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*DIVISION F—DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2005*

1

~~DEPARTMENT OF LABOR~~

2

## TITLE I—DEPARTMENT OF LABOR

3

## EMPLOYMENT AND TRAINING ADMINISTRATION

4

## TRAINING AND EMPLOYMENT SERVICES

5

(INCLUDING RESCISSION)

6

For necessary expenses of the Workforce Investment

7

Act of 1998, including the purchase and hire of passenger

8

motor vehicles, the construction, alteration, and repair of

9

buildings and other facilities, and the purchase of real

10

property for training centers as authorized by such Act;

11

\$2,898,957,000 plus reimbursements, of which ~~1,888,394,000~~ 1,888,794,000

12

~~\$1,888,394,000~~ is available for obligation for the period

13

July 1, 2005 through June 30, 2006; except that amounts

14

determined by the Secretary of Labor to be necessary pur-

15

suant to sections 173(a)(4)(A) and 174(c) of such Act

16

shall be available from October 1, 2004 until expended;

17

of which \$994,242,000 is available for obligation for the

18

period April 1, 2005 through June 30, 2006, to carry out

19

chapter 4 of the Act; and of which \$16,321,000 is avail-

20

able for the period July 1, 2005 through June 30, 2008

21

for necessary expenses of construction, rehabilitation, and

22

acquisition of Job Corps centers: *Provided*, That notwith-

23

standing any other provision of law, of the funds provided

24

herein under section 137(c) of the Workforce Investment

25

Act of 1998, \$283,371,000 shall be for activities described

26

in section 132(a)(2)(A) of such Act and \$1,196,048,000

1 shall be for activities described in section 132(a)(2)(B) of  
2 such Act: *Provided further*, That \$250,000,000 shall be  
3 available for Community-Based Job Training Grants, of  
4 which \$125,000,000 shall be from funds reserved under  
5 section 132(a)(2)(A) of the Workforce Investment Act and *of 1998*  
6 shall be used to carry out such grants under section  
7 171(d) of such Act, except that the 10 percent limitation  
8 otherwise applicable to the amount of funds that may be  
9 used to carry out section 171(d) shall not be applicable  
10 to funds used for Community-Based Job Training grants:  
11 *Provided further*, That funds provided to carry out section  
12 132(a)(2)(A) of the Workforce Investment Act *of 1998* may be  
13 used to provide assistance to a State for state-wide or local  
14 use in order to address cases where there have been work-  
15 er dislocations across multiple sectors or across multiple  
16 local areas and such workers remain dislocated; coordinate  
17 the State workforce development plan with emerging eco-  
18 nomic development needs; and train such eligible dis-  
19 located workers: *Provided further*, That \$8,000,000 shall  
20 be for carrying out section 172 of the Workforce Invest-  
21 ment Act of 1998: *Provided further*, That, notwithstanding  
22 any other provision of law or related regulation,  
23 \$76,874,000 shall be for carrying out section 167 of the  
24 Workforce Investment Act of 1998, including \$71,787,000  
25 for formula grants, \$4,583,000 for migrant and seasonal

1 housing (of which not less than 70 percent shall be for  
2 permanent housing), and \$504,000 for other discretionary  
3 purposes: *Provided further*, That notwithstanding the  
4 transfer limitation under section 133(b)(4) of such Act,  
5 up to 30 percent of such funds may be transferred by a  
6 local board if approved by the Governor: *Provided further*,  
7 That funds provided to carry out section 171(d) of the  
8 Workforce Investment Act of 1998 may be used for dem-  
9 onstration projects that provide assistance to new entrants  
10 in the workforce and incumbent workers: *Provided further*,  
11 That funding provided to carry out projects under section  
12 171 of the Workforce Investment Act of 1998 that are  
13 identified in the Conference Agreement, shall not be sub-  
14 ject to the requirements of section 171(b)(2)(B) of such  
15 Act, the requirements of section 171(c)(4)(D) of such Act,  
16 the joint funding requirements of sections 171(b)(2)(A)  
17 and 171(c)(4)(A) of such Act, or any time limit require-  
18 ments of sections 171(b)(2)(C) and 171(c)(4)(B) of such  
19 Act: *Provided further*, That no funds from any other ap-  
20 propriation shall be used to provide meal services at or  
21 for Job Corps centers.

22 For necessary expenses of the Act, including the pur-  
23 chase and hire of passenger motor vehicles, the construc-  
24 tion, alteration, and repair of buildings and other facili-  
25 ties, and the purchase of real property for training centers



1 as authorized by the Act; \$2,463,000,000 plus reimburse-  
2 ments, of which \$2,363,000,000 is available for obligation  
3 for the period October 1, 2005 through June 30, 2006,  
4 and of which \$100,000,000 is available for the period Oc-  
5 tober 1, 2005 through June 30, 2008, for necessary ex-  
6 penses of construction, rehabilitation, and acquisition of  
7 Job Corps centers.

8 Of the funds provided under this heading in Public  
9 Law 108–199 for the Employment and Training Adminis-  
10 tration, \$2,200,000 shall be for a non-competitive grant  
11 to the AFL–CIO Appalachian Council, Incorporated, and  
12 shall be awarded no later than January 31, 2005.

13 Of the funds provided under this heading in Public  
14 Law 108–199 for the Employment and Training Adminis-  
15 tration \$1,500,000 shall be for a non-competitive grant  
16 to the AFL–CIO Working for America Institute, and shall  
17 be awarded no later than January 31, 2005.

18 Of the funds provided under this heading in Public  
19 Law 108–199 for the Employment and Training Adminis-  
20 tration, \$4,000,000 shall be for a non-competitive grant  
21 to the Black Clergy of Philadelphia and Vicinity, and shall  
22 be awarded no later than January 31, 2005.

23 Of the funds provided under this heading in Public  
24 Law 108–199 for the Employment and Training Adminis-  
25 tration, \$2,600,000 shall be for a non-competitive grant

1 to the National Center on Education and the Economy,  
2 and shall be awarded no later than January 31, 2005.

3 Notwithstanding any other provision of law, funds  
4 awarded under grants to the State of Tennessee for Work-  
5 force Essentials, Inc. in Clarksville, Tennessee on June  
6 29, 2004, and to Hampton Roads on behalf of the Hamp-  
7 ton Roads Workforce Development Board in Norfolk, Vir-  
8 ginia on June 30, 2001, pursuant to section 173 of the  
9 Workforce Investment Act (29 U.S.C. 2918), may be used  
10 to provide services to spouses of members of the armed  
11 forces.

12 The Secretary of Labor shall take no action to  
13 amend, through regulatory or administration action, the  
14 definition established in 20 CFR 667.220 for functions  
15 and activities under title I of the Workforce Investment  
16 Act until such time as legislation reauthorizing the Act  
17 is enacted.

18 Of the unobligated funds contained in the H-1B  
19 Nonimmigrant Petitioner Account that are available to the  
20 Secretary of Labor pursuant to section 286(s)(2) of the  
21 Immigration and Nationality Act (8 U.S.C. 1356(s)(2)),  
22 \$100,000,000 are rescinded.

23 COMMUNITY SERVICE EMPLOYMENT FOR OLDER  
24 AMERICANS

25 To carry out title V of the Older Americans Act of  
26 1965, as amended, \$440,200,000.

## 1 FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

2 For payments during the current fiscal year of trade  
3 adjustment benefit payments and allowances under part  
4 I and section 246; and for training, allowances for job  
5 search and relocation, and related State administrative ex-  
6 penses under part II of chapter 2, title II of the Trade  
7 Act of 1974 (including the benefits and services described  
8 under sections 123(c)(2) and 151(b) and (c) of the Trade  
9 Adjustment Assistance Reform Act of 2002, Public Law  
10 107-210), \$1,057,300,000, together with such amounts as  
11 may be necessary to be charged to the subsequent appro-  
12 priation for payments for any period subsequent to Sep-  
13 tember 15 of the current year.

14 STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT  
15 SERVICE OPERATIONS

16 For authorized administrative expenses,  
17 \$141,934,000, together with not to exceed  
18 \$3,524,301,000 (including not to exceed \$1,228,000  
19 which may be used for amortization payments to States  
20 which had independent retirement plans in their State em-  
21 ployment service agencies prior to 1980), which may be  
22 expended from the Employment Security Administration  
23 Account in the Unemployment Trust Fund including the  
24 cost of administering section 51 of the Internal Revenue  
25 Code of 1986, as amended, section 7(d) of the Wagner-  
26 Peyser Act, as amended, the Trade Act of 1974, as

1 amended, the Immigration Act of 1990, and the Immigra-  
2 tion and Nationality Act, as amended, and of which the  
3 sums available in the allocation for activities authorized  
4 by title III of the Social Security Act, as amended (42  
5 U.S.C. 502–504), and the sums available in the allocation  
6 for necessary administrative expenses for carrying out 5  
7 U.S.C. 8501–8523, shall be available for obligation by the  
8 States through December 31, 2005, except that funds  
9 used for automation acquisitions shall be available for obli-  
10 gation by the States through September 30, 2007; of  
11 which \$141,934,000, together with not to exceed  
12 \$763,587,000 of the amount which may be expended from  
13 said trust fund, shall be available for obligation for the  
14 period July 1, 2005 through June 30, 2006, to fund ac-  
15 tivities under the Act of June 6, 1933, as amended, in-  
16 cluding the cost of penalty mail authorized under 39  
17 U.S.C. 3202(a)(1)(E) made available to States in lieu of  
18 allotments for such purpose: *Provided*, That to the extent  
19 that the Average Weekly Insured Unemployment (AWIU)  
20 for fiscal year 2005 is projected by the Department of  
21 Labor to exceed 3,227,000, an additional \$28,600,000  
22 shall be available for obligation for every 100,000 increase  
23 in the AWIU level (including a pro rata amount for any  
24 increment less than 100,000) from the Employment Secu-  
25 rity Administration Account of the Unemployment Trust

1 Fund: *Provided further*, That funds appropriated in this  
2 Act which are used to establish a national one-stop career  
3 center system, or which are used to support the national  
4 activities of the Federal-State unemployment insurance or  
5 immigration programs, may be obligated in contracts,  
6 grants or agreements with non-State entities: *Provided*  
7 *further*, That funds appropriated under this Act for activi-  
8 ties authorized under the Wagner-Peyser Act, as amended,  
9 and title III of the Social Security Act, may be used by  
10 the States to fund integrated Employment Service and  
11 Unemployment Insurance automation efforts, notwith-  
12 standing cost allocation principles prescribed under Office  
13 of Management and Budget Circular A-87.

14 ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND  
15 OTHER FUNDS

16 For repayable advances to the Unemployment Trust  
17 Fund as authorized by sections 905(d) and 1203 of the  
18 Social Security Act, as amended, and to the Black Lung  
19 Disability Trust Fund as authorized by section 9501(c)(1)  
20 of the Internal Revenue Code of 1954, as amended; and  
21 for nonrepayable advances to the Unemployment Trust  
22 Fund as authorized by section 8509 of title 5, United  
23 States Code, and to the “Federal unemployment benefits  
24 and allowances” account, to remain available until Sep-  
25 tember 30, 2006, \$517,000,000.

1 In addition, for making repayable advances to the  
2 Black Lung Disability Trust Fund in the current fiscal  
3 year after September 15, 2005, for costs incurred by the  
4 Black Lung Disability Trust Fund in the current fiscal  
5 year, such sums as may be necessary.

6 PROGRAM ADMINISTRATION

7 For expenses of administering employment and train-  
8 ing programs, \$113,810,000, together with not to exceed  
9 \$57,663,000, which may be expended from the Employ-  
10 ment Security Administration Account in the Unemploy-  
11 ment Trust Fund.

12 EMPLOYEE BENEFITS SECURITY ADMINISTRATION

13 SALARIES AND EXPENSES

14 For necessary expenses for the Employee Benefits  
15 Security Administration, \$132,345,000.

16 PENSION BENEFIT GUARANTY CORPORATION

17 PENSION BENEFIT GUARANTY CORPORATION FUND

18 The Pension Benefit Guaranty Corporation is author-  
19 ized to make such expenditures, including financial assist-  
20 ance authorized by section 104 of Public Law 96-364,  
21 within limits of funds and borrowing authority available  
22 to such Corporation, and in accord with law, and to make  
23 such contracts and commitments without regard to fiscal  
24 year limitations as provided by section 104 of the Govern-  
25 ment Corporation Control Act, as amended (31 U.S.C.  
26 9104), as may be necessary in carrying out the program,

1 including associated administrative expenses, through  
2 September 30, 2005 for such Corporation: *Provided*, That  
3 none of the funds available to the Corporation for fiscal  
4 year 2005 shall be available for obligations for administra-  
5 tive expenses in excess of \$266,330,000: *Provided further*,  
6 That obligations in excess of such amount may be incurred  
7 after approval by the Office of Management and Budget  
8 and the Committees on Appropriations of the House and  
9 Senate.

10 EMPLOYMENT STANDARDS ADMINISTRATION

11 SALARIES AND EXPENSES

12 For necessary expenses for the Employment Stand-  
13 ards Administration, including reimbursement to State,  
14 Federal, and local agencies and their employees for inspec-  
15 tion services rendered, \$402,305,000, together with  
16 \$2,040,000 which may be expended from the Special Fund  
17 in accordance with sections 39(c), 44(d) and 44(j) of the  
18 Longshore and Harbor Workers' Compensation Act: *Pro-*  
19 *vided*, That \$1,250,000 shall be for the development of  
20 an alternative system for the electronic submission of re-  
21 ports required to be filed under the Labor-Management  
22 Reporting and Disclosure Act of 1959, as amended, and  
23 for a computer database of the information for each sub-  
24 mission by whatever means, that is indexed and easily  
25 searchable by the public via the Internet: *Provided further*,

1 That the Secretary of Labor is authorized to accept, re-  
2 tain, and spend, until expended, in the name of the De-  
3 partment of Labor, all sums of money ordered to be paid  
4 to the Secretary of Labor, in accordance with the terms  
5 of the Consent Judgment in Civil Action No. 91-0027 of  
6 the United States District Court for the District of the  
7 Northern Mariana Islands (May 21, 1992): *Provided fur-*  
8 *ther*, That the Secretary of Labor is authorized to estab-  
9 lish and, in accordance with 31 U.S.C. 3302, collect and  
10 deposit in the Treasury fees for processing applications  
11 and issuing certificates under sections 11(d) and 14 of the  
12 Fair Labor Standards Act of 1938, as amended (29  
13 U.S.C. 211(d) and 214) and for processing applications  
14 and issuing registrations under title I of the Migrant and  
15 Seasonal Agricultural Worker Protection Act (29 U.S.C.  
16 1801 et seq.).

17 SPECIAL BENEFITS

18 (INCLUDING TRANSFER OF FUNDS)

19 For the payment of compensation, benefits, and ex-  
20 penses (except administrative expenses) accruing during  
21 the current or any prior fiscal year authorized by title 5,  
22 chapter 81 of the United States Code; continuation of ben-  
23 efits as provided for under the heading "Civilian War Ben-  
24 efits" in the Federal Security Agency Appropriation Act,  
25 1947; the Employees' Compensation Commission Appro-  
26 priation Act, 1944; sections 4(c) and 5(f) of the War



1 Claims Act of 1948 (50 U.S.C. App. 2012); and 50 per-  
2 cent of the additional compensation and benefits required  
3 by section 10(h) of the Longshore and Harbor Workers'  
4 Compensation Act, as amended, \$233,000,000, together  
5 with such amounts as may be necessary to be charged to  
6 the subsequent year appropriation for the payment of  
7 compensation and other benefits for any period subse-  
8 quent to August 15 of the current year: *Provided*, That  
9 amounts appropriated may be used under section 8104 of  
10 title 5, United States Code, by the Secretary of Labor to  
11 reimburse an employer, who is not the employer at the  
12 time of injury, for portions of the salary of a reemployed,  
13 disabled beneficiary: *Provided further*, That balances of re-  
14 imbursements unobligated on September 30, 2004, shall  
15 remain available until expended for the payment of com-  
16 pensation, benefits, and expenses: *Provided further*, That  
17 in addition there shall be transferred to this appropriation  
18 from the Postal Service and from any other corporation  
19 or instrumentality required under section 8147(c) of title  
20 5, United States Code, to pay an amount for its fair share  
21 of the cost of administration, such sums as the Secretary  
22 determines to be the cost of administration for employees  
23 of such fair share entities through September 30, 2005:  
24 *Provided further*, That of those funds transferred to this  
25 account from the fair share entities to pay the cost of ad-

1   ministration of the Federal Employees' Compensation Act,  
2   \$39,668,000 shall be made available to the Secretary as  
3   follows: (1) for enhancement and maintenance of auto-  
4   mated data processing systems and telecommunications  
5   systems, \$12,351,000; (2) for automated workload proc-  
6   essing operations, including document imaging, central-  
7   ized mail intake and medical bill processing, \$14,221,000;  
8   (3) for periodic roll management and medical review,  
9   \$13,096,000; and (4) the remaining funds shall be paid  
10  into the Treasury as miscellaneous receipts: *Provided fur-*  
11 *ther*, That the Secretary may require that any person fil-  
12 ing a notice of injury or a claim for benefits under chapter  
13 81 of title 5, United States Code, or 33 U.S.C. 901 et  
14 seq., provide as part of such notice and claim, such identi-  
15 fying information (including Social Security account num-  
16 ber) as such regulations may prescribe.

17       SPECIAL BENEFITS FOR DISABLED COAL MINERS

18       For carrying out title IV of the Federal Mine Safety  
19 and Health Act of 1977, as amended by Public Law 107-  
20 275, (the "Act"), \$276,000,000, to remain available until  
21 expended.

22       For making after July 31 of the current fiscal year,  
23 benefit payments to individuals under title IV of the Act,  
24 for costs incurred in the current fiscal year, such amounts  
25 as may be necessary.

1 For making benefit payments under title IV for the  
2 first quarter of fiscal year 2006, \$81,000,000, to remain  
3 available until expended.

4 ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES  
5 OCCUPATIONAL ILLNESS COMPENSATION FUND  
6 (INCLUDING TRANSFER OF FUNDS)

7 For necessary expenses to administer the Energy  
8 Employees Occupational Illness Compensation Act,  
9 \$40,821,000, to remain available until expended: *Pro-*  
10 *vided*, That the Secretary of Labor is authorized to trans-  
11 fer to any executive agency with authority under the En-  
12 ergy Employees Occupational Illness Compensation Act,  
13 including within the Department of Labor, such sums as  
14 may be necessary in fiscal year 2005 to carry out those  
15 authorities: *Provided further*, That the Secretary may re-  
16 quire that any person filing a claim for benefits under the  
17 Act provide as part of such claim, such identifying infor-  
18 mation (including Social Security account number) as may  
19 be prescribed.

20 BLACK LUNG DISABILITY TRUST FUND  
21 (INCLUDING TRANSFER OF FUNDS)

22 In fiscal year 2005 and thereafter, such sums as may  
23 be necessary from the Black Lung Disability Trust Fund,  
24 to remain available until expended, for payment of all ben-  
25 efits authorized by section 9501(d)(1), (2), (4), and (7)  
26 of the Internal Revenue Code of 1954, as amended; and

1 interest on advances, as authorized by section 9501(c)(2)  
2 of that Act. In addition, the following amounts shall be  
3 available from the Fund for fiscal year 2005 for expenses  
4 of operation and administration of the Black Lung Bene-  
5 fits program, as authorized by section 9501(d)(5):  
6 \$32,646,000 for transfer to the Employment Standards  
7 Administration, "Salaries and Expenses"; \$23,705,000  
8 for transfer to Departmental Management, "Salaries and  
9 Expenses"; \$342,000 for transfer to Departmental Man-  
10 agement, "Office of Inspector General"; and \$356,000 for  
11 payments into miscellaneous receipts for the expenses of  
12 the Department of the Treasury.

13 OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION  
14 SALARIES AND EXPENSES

15 For necessary expenses for the Occupational Safety  
16 and Health Administration, \$468,109,000, including not  
17 to exceed \$91,747,000 which shall be the maximum  
18 amount available for grants to States under section 23(g)  
19 of the Occupational Safety and Health Act (the "Act"),  
20 which grants shall be no less than 50 percent of the costs  
21 of State occupational safety and health programs required  
22 to be incurred under plans approved by the Secretary  
23 under section 18 of the Act; and, in addition, notwith-  
24 standing 31 U.S.C. 3302, the Occupational Safety and  
25 Health Administration may retain up to \$750,000 per fis-

1 cal year of training institute course tuition fees, otherwise  
2 authorized by law to be collected, and may utilize such  
3 sums for occupational safety and health training and edu-  
4 cation grants: *Provided*, That, notwithstanding 31 U.S.C.  
5 3302, the Secretary of Labor is authorized, during the fis-  
6 cal year ending September 30, 2005, to collect and retain  
7 fees for services provided to Nationally Recognized Test-  
8 ing Laboratories, and may utilize such sums, in accord-  
9 ance with the provisions of 29 U.S.C. 9a, to administer  
10 national and international laboratory recognition pro-  
11 grams that ensure the safety of equipment and products  
12 used by workers in the workplace: *Provided further*, That  
13 none of the funds appropriated under this paragraph shall  
14 be obligated or expended to prescribe, issue, administer,  
15 or enforce any standard, rule, regulation, or order under  
16 the Act which is applicable to any person who is engaged  
17 in a farming operation which does not maintain a tem-  
18 porary labor camp and employs 10 or fewer employees:  
19 *Provided further*, That no funds appropriated under this  
20 paragraph shall be obligated or expended to administer or  
21 enforce any standard, rule, regulation, or order under the  
22 Act with respect to any employer of 10 or fewer employees  
23 who is included within a category having a Days Away,  
24 Restricted, or Transferred (DART) occupational injury  
25 and illness rate, at the most precise industrial classifica-

1 tion code for which such data are published, less than the  
2 national average rate as such rates are most recently pub-  
3 lished by the Secretary, acting through the Bureau of  
4 Labor Statistics, in accordance with section 24 of that Act  
5 (29 U.S.C. 673), except—

6 (1) to provide, as authorized by such Act, con-  
7 sultation, technical assistance, educational and train-  
8 ing services, and to conduct surveys and studies;

9 (2) to conduct an inspection or investigation in  
10 response to an employee complaint, to issue a cita-  
11 tion for violations found during such inspection, and  
12 to assess a penalty for violations which are not cor-  
13 rected within a reasonable abatement period and for  
14 any willful violations found;

15 (3) to take any action authorized by such Act  
16 with respect to imminent dangers;

17 (4) to take any action authorized by such Act  
18 with respect to health hazards;

19 (5) to take any action authorized by such Act  
20 with respect to a report of an employment accident  
21 which is fatal to one or more employees or which re-  
22 sults in hospitalization of two or more employees,  
23 and to take any action pursuant to such investiga-  
24 tion authorized by such Act; and

1           (6) to take any action authorized by such Act  
2       with respect to complaints of discrimination against  
3       employees for exercising rights under such Act:

4 *Provided further*, That the foregoing proviso shall not  
5 apply to any person who is engaged in a farming operation  
6 which does not maintain a temporary labor camp and em-  
7 ploys 10 or fewer employees: *Provided further*, That not  
8 less than \$3,200,000 shall be used to extend funding for  
9 the Institutional Competency Building training grants  
10 which commenced in September 2000, for program activi-  
11 ties for the period of September 30, 2005 to September  
12 30, 2006, provided that a grantee has demonstrated satis-  
13 factory performance: *Provided further*, That none of the  
14 funds appropriated under this paragraph shall be obli-  
15 gated or expended to administer or enforce the provisions  
16 of 29 CFR 1910.134(f)(2) (General Industry Respiratory  
17 Protection Standard) to the extent that such provisions  
18 require the annual fit testing (after the initial fit testing)  
19 of respirators for occupational exposure to tuberculosis.

20           MINE SAFETY AND HEALTH ADMINISTRATION

21                       SALARIES AND EXPENSES

22       For necessary expenses for the Mine Safety and  
23 Health Administration, \$281,535,000, including purchase  
24 and bestowal of certificates and trophies in connection  
25 with mine rescue and first-aid work, and the hire of pas-

1 senger motor vehicles, including up to \$2,000,000 for  
2 mine rescue and recovery activities; in addition, not to ex-  
3 ceed \$750,000 may be collected by the National Mine  
4 Health and Safety Academy for room, board, tuition, and  
5 the sale of training materials, otherwise authorized by law  
6 to be collected, to be available for mine safety and health  
7 education and training activities, notwithstanding 31  
8 U.S.C. 3302; and, in addition, the Mine Safety and Health  
9 Administration may retain up to \$1,000,000 from fees col-  
10 lected for the approval and certification of equipment, ma-  
11 terials, and explosives for use in mines, and may utilize  
12 such sums for such activities; the Secretary is authorized  
13 to accept lands, buildings, equipment, and other contribu-  
14 tions from public and private sources and to prosecute  
15 projects in cooperation with other agencies, Federal,  
16 State, or private; the Mine Safety and Health Administra-  
17 tion is authorized to promote health and safety education  
18 and training in the mining community through cooperative  
19 programs with States, industry, and safety associations;  
20 and any funds available to the department may be used,  
21 with the approval of the Secretary, to provide for the costs  
22 of mine rescue and survival operations in the event of a  
23 major disaster.



## 1 BUREAU OF LABOR STATISTICS

## 2 SALARIES AND EXPENSES

3 For necessary expenses for the Bureau of Labor Sta-  
4 tistics, including advances or reimbursements to State,  
5 Federal, and local agencies and their employees for serv-  
6 ices rendered, \$455,045,000, together with not to exceed  
7 \$78,473,000, which may be expended from the Employ-  
8 ment Security Administration Account in the Unemploy-  
9 ment Trust Fund, of which \$5,000,000 may be used to  
10 fund the mass layoff statistics program under section 15  
11 of the Wagner-Peyser Act (29 U.S.C. 49l-2).

## 12 OFFICE OF DISABILITY EMPLOYMENT POLICY

## 13 SALARIES AND EXPENSES

14 For necessary expenses for the Office of Disability  
15 Employment Policy to provide leadership, develop policy  
16 and initiatives, and award grants furthering the objective  
17 of eliminating barriers to the training and employment of  
18 people with disabilities, \$47,555,000.

## 19 DEPARTMENTAL MANAGEMENT

## 20 SALARIES AND EXPENSES

21 For necessary expenses for Departmental Manage-  
22 ment, including the hire of three sedans, and including  
23 the management or operation, through contracts, grants  
24 or other arrangements of Departmental activities con-  
25 ducted by or through the Bureau of International Labor

1 Affairs, including bilateral and multilateral technical as-  
2 sistence and other international labor activities,  
3 \$323,108,000, of which, \$7,000,000, to remain available  
4 until September 30, 2006, is for Frances Perkins Building  
5 Security Enhancements, and \$30,000,000 is for the acqui-  
6 sition of Departmental information technology, architec-  
7 ture, infrastructure, equipment, software and related  
8 needs, which will be allocated by the Department's Chief  
9 Information Officer in accordance with the Department's  
10 capital investment management process to assure a sound  
11 investment strategy; together with not to exceed  
12 \$314,000, which may be expended from the Employment  
13 Security Administration Account in the Unemployment  
14 Trust Fund: *Provided*, That no funds made available by  
15 this Act may be used by the Solicitor of Labor to partici-  
16 pate in a review in any United States court of appeals  
17 of any decision made by the Benefits Review Board under  
18 section 21 of the Longshore and Harbor Workers' Com-  
19 pensation Act (33 U.S.C. 921) where such participation  
20 is precluded by the decision of the United States Supreme  
21 Court in *Director, Office of Workers' Compensation Pro-*  
22 *grams v. Newport News Shipbuilding*, 115 S. Ct. 1278  
23 (1995), notwithstanding any provisions to the contrary  
24 contained in Rule 15 of the Federal Rules of Appellate  
25 Procedure: *Provided further*, That no funds made available

1 by this Act may be used by the Secretary of Labor to re-  
2 view a decision under the Longshore and Harbor Workers'  
3 Compensation Act (33 U.S.C. 901 et seq.) that has been  
4 appealed and that has been pending before the Benefits  
5 Review Board for more than 12 months: *Provided further,*  
6 That any such decision pending a review by the Benefits  
7 Review Board for more than 1 year shall be considered  
8 affirmed by the Benefits Review Board on the 1-year anni-  
9 versary of the filing of the appeal, and shall be considered  
10 the final order of the Board for purposes of obtaining a  
11 review in the United States courts of appeals: *Provided*  
12 *further,* That these provisions shall not be applicable to  
13 the review or appeal of any decision issued under the  
14 Black Lung Benefits Act (30 U.S.C. 901 et seq.).

15 VETERANS EMPLOYMENT AND TRAINING

16 Not to exceed \$195,098,000 may be derived from the  
17 Employment Security Administration Account in the Un-  
18 employment Trust Fund to carry out the provisions of 38  
19 U.S.C. 4100–4110A, 4212, 4214, and 4321–4327, and  
20 Public Law 103–353, and which shall be available for obli-  
21 gation by the States through December 31, 2005, of which  
22 \$2,000,000 is for the National Veterans' Employment and  
23 Training Services Institute. To carry out the Homeless  
24 Veterans Reintegration Programs (38 U.S.C. 2021) and  
25 the Veterans Workforce Investment Programs (29 U.S.C.  
26 2913), \$29,550,000, of which \$8,550,000 shall be avail-

1 able for obligation for the period July 1, 2005 through  
2 June 30, 2006.

3 OFFICE OF INSPECTOR GENERAL

4 For salaries and expenses of the Office of Inspector  
5 General in carrying out the provisions of the Inspector  
6 General Act of 1978, as amended, \$64,029,000, together  
7 with not to exceed \$5,561,000, which may be expended  
8 from the Employment Security Administration Account in  
9 the Unemployment Trust Fund.

10 WORKING CAPITAL FUND

11 For the acquisition of a new core accounting system  
12 for the Department of Labor, including hardware and  
13 software infrastructure and the costs associated with im-  
14 plementation thereof, \$10,000,000.

15 GENERAL PROVISIONS

16 SEC. 101. None of the funds appropriated in this title  
17 for the Job Corps shall be used to pay the compensation  
18 of an individual, either as direct costs or any proration  
19 as an indirect cost, at a rate in excess of Executive Level  
20 II.

21 (TRANSFER OF FUNDS)

22 SEC. 102. Not to exceed 1 percent of any discre-  
23 tionary funds (pursuant to the Balanced Budget and  
24 Emergency Deficit Control Act of 1985, as amended)  
25 which are appropriated for the current fiscal year for the  
26 Department of Labor in this Act may be transferred be-

1 tween a program, project, or activity, but no such pro-  
2 gram, project, or activity shall be increased by more than  
3 3 percent by any such transfer: *Provided*, That the Appro-  
4 priations Committees of both Houses of Congress are noti-  
5 fied at least 15 days in advance of any transfer.

6 SEC. 103. In accordance with Executive Order No.  
7 13126, none of the funds appropriated or otherwise made  
8 available pursuant to this Act shall be obligated or ex-  
9 pended for the procurement of goods mined, produced,  
10 manufactured, or harvested or services rendered, whole or  
11 in part, by forced or indentured child labor in industries  
12 and host countries already identified by the United States  
13 Department of Labor prior to enactment of this Act.

14 SEC. 104. There is authorized to be appropriated  
15 such sums as may be necessary to the Denali Commission  
16 through the Department of Labor to conduct job training  
17 of the local workforce where Denali Commission projects  
18 will be constructed.

19 SEC. 105. Not later than 45 days after the date of  
20 enactment of this Act, the Secretary of Labor shall issue  
21 a monthly transit subsidy of not less than the amount each  
22 of its employees of the National Capital Region is eligible  
23 to receive, not to exceed a maximum of \$100, as directed  
24 by Executive Order 13150.

1 SEC. 106. The Department of Labor shall submit its  
2 fiscal year 2006 congressional budget justifications to the  
3 Committees on Appropriations of the House of Represent-  
4 atives and the Senate in the format as they were prepared  
5 prior to fiscal year 2003.

6 This title may be cited as the “Department of Labor  
7 Appropriations Act, 2005”.

8 TITLE II—DEPARTMENT OF HEALTH AND  
9 HUMAN SERVICES

10 HEALTH RESOURCES AND SERVICES ADMINISTRATION

11 HEALTH RESOURCES AND SERVICES

12 For carrying out titles II, III, IV, VII, VIII, X, XII,  
13 XIX, and XXVI of the Public Health Service Act, section  
14 427(a) of the Federal Coal Mine Health and Safety Act,  
15 title V and sections 1128E, 711, and 1820 of the Social  
16 Security Act, the Health Care Quality Improvement Act  
17 of 1986, as amended, the Native Hawaiian Health Care  
18 Act of 1988, as amended, the Cardiac Arrest Survival Act  
19 of 2000, section 712 of the American Jobs Creation Act  
20 of 2004, and the Poison Control Center Enhancement and  
21 Awareness Act, as amended, \$6,846,624,000, of which  
22 \$474,629,000 shall be available for construction and ren-  
23 ovation (including equipment) of health care and other fa-  
24 cilities and other health-related activities as specified in  
25 the statement of the managers on the conference report

1 accompanying this Act, and of which \$39,499,000 from  
2 general revenues, notwithstanding section 1820(j) of the  
3 Social Security Act, shall be available for carrying out the  
4 Medicare rural hospital flexibility grants program under  
5 section 1820 of such Act: *Provided*, That of the funds  
6 made available under this heading, \$249,000 shall be  
7 available until expended for facilities renovations at the  
8 Gillis W. Long Hansen's Disease Center: *Provided further*,  
9 That in addition to fees authorized by section 427(b) of  
10 the Health Care Quality Improvement Act of 1986, fees  
11 shall be collected for the full disclosure of information  
12 under the Act sufficient to recover the full costs of oper-  
13 ating the National Practitioner Data Bank, and shall re-  
14 main available until expended to carry out that Act: *Pro-*  
15 *vided further*, That fees collected for the full disclosure of  
16 information under the "Health Care Fraud and Abuse  
17 Data Collection Program", authorized by section  
18 1128E(d)(2) of the Social Security Act, shall be sufficient  
19 to recover the full costs of operating the program, and  
20 shall remain available until expended to carry out that  
21 Act: *Provided further*, That \$31,000,000 of the funding  
22 provided for community health centers shall be used for  
23 base grant adjustments for existing centers: *Provided fur-*  
24 *ther*, That no more than \$100,000 is available until ex-  
25 pended for carrying out the provisions of U.S.C. Title 42

1 Section 233(o) including associated administrative ex-  
2 penses: *Provided further*, That no more than \$45,000,000  
3 is available until expended for carrying out the provisions  
4 of Public Law 104-73: *Provided further*, That \$9,941,000  
5 is available until expended for the National Cord Blood  
6 Stem Cell Bank Program as described in House Report  
7 108-401: *Provided further*, That of the funds made avail-  
8 able under this heading, \$288,283,000 shall be for the  
9 program under title X of the Public Health Service Act  
10 to provide for voluntary family planning projects: *Provided*  
11 *further*, That amounts provided to said projects under  
12 such title shall not be expended for abortions, that all  
13 pregnancy counseling shall be nondirective, and that such  
14 amounts shall not be expended for any activity (including  
15 the publication or distribution of literature) that in any  
16 way tends to promote public support or opposition to any  
17 legislative proposal or candidate for public office: *Provided*  
18 *further*, That \$793,872,000 shall be for State AIDS Drug  
19 Assistance Programs authorized by section 2616 of the  
20 Public Health Service Act: *Provided further*, That in addi-  
21 tion to amounts provided herein, \$25,000,000 shall be  
22 available from amounts available under section 241 of the  
23 Public Health Service Act to carry out Parts A, B, C, and  
24 D of title XXVI of the Public Health Service Act to fund  
25 section 2691 Special Projects of National Significance:



1 *Provided further*, That, notwithstanding section 502(a)(1)  
2 of the Social Security Act, not to exceed \$119,158,000 is  
3 available for carrying out special projects of regional and  
4 national significance pursuant to section 501(a)(2) of such  
5 Act: *Provided further*, That of the funds provided,  
6 \$40,000,000 shall be provided to the Denali Commission  
7 as a direct lump payment pursuant to Public Law 106–  
8 113, of which \$10,000,000 shall be for a psychiatric treat-  
9 ment facility in Bethel, Alaska, \$10,000,000 shall be for  
10 residential and supportive housing for elders, \$2,500,000  
11 shall be for medical and dental equipment for rural clinics,  
12 and \$5,000,000 shall be for upgrade and construction of  
13 shelters for victims of domestic violence and child abuse.

14 HEALTH EDUCATION ASSISTANCE LOANS PROGRAM

15 ACCOUNT

16 Such sums as may be necessary to carry out the pur-  
17 pose of the program, as authorized by title VII of the Pub-  
18 lic Health Service Act, as amended. For administrative ex-  
19 penses to carry out the guaranteed loan program, includ-  
20 ing section 709 of the Public Health Service Act,  
21 \$3,270,000.

22 VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

23 For payments from the Vaccine Injury Compensation  
24 Program Trust Fund, such sums as may be necessary for  
25 claims associated with vaccine-related injury or death with  
26 respect to vaccines administered after September 30,

1 1988, pursuant to subtitle 2 of title XXI of the Public  
2 Health Service Act, to remain available until expended:  
3 *Provided*, That for necessary administrative expenses, not  
4 to exceed \$3,176,000 shall be available from the Trust  
5 Fund to the Secretary of Health and Human Services.

6 CENTERS FOR DISEASE CONTROL AND PREVENTION

7 DISEASE CONTROL, RESEARCH, AND TRAINING

8 To carry out titles II, III, VII, XI, XV, XVII, XIX,  
9 XXI, and XXVI of the Public Health Service Act, sections  
10 101, 102, 103, 201, 202, 203, 301, and 501 of the Federal  
11 Mine Safety and Health Act of 1977, sections 20, 21, and  
12 22 of the Occupational Safety and Health Act of 1970,  
13 title IV of the Immigration and Nationality Act, and sec-  
14 tion 501 of the Refugee Education Assistance Act of 1980;  
15 including purchase and insurance of official motor vehicles  
16 in foreign countries; and purchase, hire, maintenance, and  
17 operation of aircraft, \$4,533,911,000, of which  
18 \$272,000,000 shall remain available until expended for  
19 equipment, and construction and renovation of facilities,  
20 and of which \$124,882,000 for international HIV/AIDS  
21 shall remain available until September 30, 2006. In addi-  
22 tion, such sums as may be derived from authorized user  
23 fees, which shall be credited to this account: *Provided*,  
24 That in addition to amounts provided herein, the following  
25 amounts shall be available from amounts available under

1 section 241 of the Public Health Service Act (1)  
2 \$12,794,000 to carry out the National Immunization Sur-  
3 veys; (2) \$109,021,000 to carry out the National Center  
4 for Health Statistics surveys; (3) \$24,751,000 to carry out  
5 information systems standards development and architec-  
6 ture and applications-based research used at local public  
7 health levels; (4) \$463,000 for Health Marketing evalua-  
8 tions; (5) \$31,000,000 to carry out Public Health Re-  
9 search; and (6) \$87,071,000 to carry out Research Tools  
10 and Approaches activities within the National Occupa-  
11 tional Research Agenda: *Provided further*, That none of  
12 the funds made available for injury prevention and control  
13 at the Centers for Disease Control and Prevention may  
14 be used, in whole or in part, to advocate or promote gun  
15 control: *Provided further*, That up to \$30,000,000 shall  
16 be made available until expended for Individual Learning  
17 Accounts for full-time equivalent employees of the Centers  
18 for Disease Control and Prevention: *Provided further*,  
19 That the Director may redirect the total amount made  
20 available under authority of Public Law 101-502, section  
21 3, dated November 3, 1990, to activities the Director may  
22 so designate: *Provided further*, That the Congress is to be  
23 notified promptly of any such transfer: *Provided further*,  
24 That not to exceed \$12,500,000 may be available for mak-  
25 ing grants under section 1509 of the Public Health Service

1 Act to not more than 15 States, tribes, or tribal organiza-  
2 tions: *Provided further*, That without regard to existing  
3 statute, funds appropriated may be used to proceed, at  
4 the discretion of the Centers for Disease Control and Pre-  
5 vention, with property acquisition, including a long-term  
6 ground lease for construction on non-Federal land, to sup-  
7 port the construction of a replacement laboratory in the  
8 Fort Collins, Colorado area: *Provided further*, That not-  
9 withstanding any other provision of law, a single contract  
10 or related contracts for development and construction of  
11 facilities may be employed which collectively include the  
12 full scope of the project: *Provided further*, That the solici-  
13 tation and contract shall contain the clause “availability  
14 of funds” found at 48 CFR 52.232-18: *Provided further*,  
15 that of the funds appropriated, \$10,000 is for official re-  
16 ception and representation expenses when specifically ap-  
17 proved by the Director of the Centers for Disease Control  
18 and Prevention.

19 NATIONAL INSTITUTES OF HEALTH

20 NATIONAL CANCER INSTITUTE

21 For carrying out section 301 and title IV of the Pub-  
22 lic Health Service Act with respect to cancer,  
23 \$4,865,525,000, of which up to \$8,000,000 may be used  
24 for facilities repairs and improvements at the NCI-Fred-

1 erick Federally Funded Research and Development Center  
2 in Frederick, Maryland.

3 NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

4 For carrying out section 301 and title IV of the Pub-  
5 lic Health Service Act with respect to cardiovascular, lung,  
6 and blood diseases, and blood and blood products,  
7 \$2,965,453,000.

8 NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL  
9 RESEARCH

10 For carrying out section 301 and title IV of the Pub-  
11 lic Health Service Act with respect to dental disease,  
12 \$395,080,000.

13 NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND  
14 KIDNEY DISEASES

15 For carrying out section 301 and title IV of the Pub-  
16 lic Health Service Act with respect to diabetes and diges-  
17 tive and kidney disease, \$1,727,696,000.

18 NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS  
19 AND STROKE

20 For carrying out section 301 and title IV of the Pub-  
21 lic Health Service Act with respect to neurological dis-  
22 orders and stroke, \$1,552,123,000.

1 NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS  
2 DISEASES  
3 (INCLUDING TRANSFER OF FUNDS)

4 For carrying out section 301 and title IV of the Pub-  
5 lic Health Service Act with respect to allergy and infec-  
6 tious diseases, \$4,440,007,000: *Provided*, That  
7 \$100,000,000 may be made available to International As-  
8 sistance Programs, “Global Fund to Fight HIV/AIDS,  
9 Malaria, and Tuberculosis”, to remain available until ex-  
10 pended: *Provided further*, That up to \$150,000,000 shall  
11 be for extramural facilities construction grants to enhance  
12 the Nation’s capability to do research on biological and  
13 other agents.

## 14 NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to general medical sciences, \$1,959,810,000.

18 NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN  
19 DEVELOPMENT

For carrying out section 301 and title IV of the Public Health Service Act with respect to child health and human development, \$1,280,915,000.

## 23 NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to eye diseases and visual disorders, \$674,578,000.

1 NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH  
2 SCIENCES

3 For carrying out sections 301 and 311 and title IV  
4 of the Public Health Service Act with respect to environ-  
5 mental health sciences, \$650,027,000.

6 NATIONAL INSTITUTE ON AGING

7 For carrying out section 301 and title IV of the Pub-  
8 lic Health Service Act with respect to aging,  
9 \$1,060,666,000.

10 NATIONAL INSTITUTE OF ARTHRITIS AND  
11 MUSCULOSKELETAL AND SKIN DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to arthritis and musculoskeletal and skin diseases, \$515,378,000.

15 NATIONAL INSTITUTE ON DEAFNESS AND OTHER  
16 COMMUNICATION DISORDERS

For carrying out section 301 and title IV of the Public Health Service Act with respect to deafness and other communication disorders, \$397,507,000.

20 NATIONAL INSTITUTE OF NURSING RESEARCH

21 For carrying out section 301 and title IV of the Pub-  
22 lic Health Service Act with respect to nursing research,  
23 \$139,198,000.

1 NATIONAL INSTITUTE ON ALCOHOL ABUSE AND  
2 ALCOHOLISM

3           For carrying out section 301 and title IV of the Pub-  
4   lic Health Service Act with respect to alcohol abuse and  
5   alcoholism, \$441,911,000.

6 NATIONAL INSTITUTE ON DRUG ABUSE

7 For carrying out section 301 and title IV of the Pub-  
8 lic Health Service Act with respect to drug abuse,  
9 \$1,014,760,000.

10 NATIONAL INSTITUTE OF MENTAL HEALTH

11 For carrying out section 301 and title IV of the Pub-  
12 lic Health Service Act with respect to mental health,  
13 \$1,423,609,000.

14 NATIONAL HUMAN GENOME RESEARCH INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to human genome research, \$492,670,000.

18 NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND  
19 BIOENGINEERING

For carrying out section 301 and title IV of the Public Health Service Act with respect to biomedical imaging and bioengineering research, \$300,647,000.

23 NATIONAL CENTER FOR RESEARCH RESOURCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to research resources and general research support grants, \$1,124,141,000:



1 *Provided*, That none of these funds shall be used to pay  
2 recipients of the general research support grants program  
3 any amount for indirect expenses in connection with such  
4 grants: *Provided further*, That \$30,000,000 shall be for  
5 extramural facilities construction grants.

6 NATIONAL CENTER FOR COMPLEMENTARY AND  
7 ALTERNATIVE MEDICINE

8 For carrying out section 301 and title IV of the Pub-  
9 lic Health Service Act with respect to complementary and  
10 alternative medicine, \$123,116,000.

11 NATIONAL CENTER ON MINORITY HEALTH AND HEALTH  
12 DISPARITIES

13 For carrying out section 301 and title IV of the Pub-  
14 lic Health Service Act with respect to minority health and  
15 health disparities research, \$197,780,000.

16 JOHN E. FOGARTY INTERNATIONAL CENTER

17 For carrying out the activities at the John E.  
18 Fogarty International Center, \$67,182,000.

19 NATIONAL LIBRARY OF MEDICINE

20 For carrying out section 301 and title IV of the Pub-  
21 lic Health Service Act with respect to health information  
22 communications, \$317,947,000, of which \$4,000,000 shall  
23 be available until expended for improvement of informa-  
24 tion systems: *Provided*, That in fiscal year 2005, the Li-  
25 brary may enter into personal services contracts for the  
26 provision of services in facilities owned, operated, or con-

1 structed under the jurisdiction of the National Institutes  
2 of Health: *Provided further*, That in addition to amounts  
3 provided herein, \$8,200,000 shall be available from  
4 amounts available under section 241 of the Public Health  
5 Service Act to carry out National Information Center on  
6 Health Services Research and Health Care Technology  
7 and related health services.

8 OFFICE OF THE DIRECTOR

9 (INCLUDING TRANSFER OF FUNDS)

10 For carrying out the responsibilities of the Office of  
11 the Director, National Institutes of Health, \$361,145,000,  
12 of which up to \$10,000,000 shall be used to carry out sec-  
13 tion 217 of this Act: *Provided*, That funding shall be avail-  
14 able for the purchase of not to exceed 29 passenger motor  
15 vehicles for replacement only: *Provided further*, That the  
16 Director may direct up to 1 percent of the total amount  
17 made available in this or any other Act to all National  
18 Institutes of Health appropriations to activities the Direc-  
19 tor may so designate: *Provided further*, That no such ap-  
20 propriation shall be decreased by more than 1 percent by  
21 any such transfers and that the Congress is promptly noti-  
22 fied of the transfer: *Provided further*, That the National  
23 Institutes of Health is authorized to collect third party  
24 payments for the cost of clinical services that are incurred  
25 in National Institutes of Health research facilities and  
26 that such payments shall be credited to the National Insti-

1 tutes of Health Management Fund: *Provided further*, That  
2 all funds credited to the National Institutes of Health  
3 Management Fund shall remain available for 1 fiscal year  
4 after the fiscal year in which they are deposited: *Provided*  
5 *further*, That up to \$500,000 shall be available to carry  
6 out section 499 of the Public Health Service Act: *Provided*  
7 *further*, That of the funds provided \$10,000 shall be for  
8 official reception and representation expenses when spe-  
9 cifically approved by the Director of NIH: *Provided fur-*  
10 *ther*, That a uniform percentage of the amounts appro-  
11 priated in this Act to each Institute and Center may be  
12 utilized for the National Institutes of Health Roadmap  
13 Initiative: *Provided further*, That the amount utilized  
14 under the preceding proviso shall not exceed \$176,800,000  
15 without prior notification to the Committees on Appro-  
16 priations of the House of Representatives and the Senate:  
17 *Provided further*, That amounts utilized under the pre-  
18 ceding two provisos shall be in addition to amounts made  
19 available for the Roadmap Initiative from the Director's  
20 Discretionary Fund and to any amounts allocated to ac-  
21 tivities related to the Roadmap Initiative through the nor-  
22 mal research priority-setting process of individual Insti-  
23 tutes and Centers.

## 1 BUILDINGS AND FACILITIES

2 ~~(INCLUDING TRANSFER OF FUNDS)~~

3 For the study of, construction of, renovation of, and  
4 acquisition of equipment for, facilities of or used by the  
5 National Institutes of Health, including the acquisition of  
6 real property, \$111,177,000, to remain available until ex-  
7 pended: *Provided*, That notwithstanding any other provi-  
8 sion of law, single contracts or related contracts, which  
9 collectively include the full scope of the project, may be  
10 employed for the development and construction of the first  
11 and second phases of the John Edward Porter Neuro-  
12 science Research Center: *Provided further*, That the solici-  
13 tations and contracts shall contain the clause "availability  
14 of funds" found at 48 CFR 52.232-18.

## 15 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

## 16 ADMINISTRATION

## 17 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

18 For carrying out titles V and XIX of the Public  
19 Health Service Act with respect to substance abuse and  
20 mental health services, the Protection and Advocacy for  
21 Individuals with Mental Illness Act, and section 301 of  
22 the Public Health Service Act with respect to program  
23 management, \$3,295,361,000, of which \$23,107,000 shall  
24 be available for projects and in the amounts specified in  
25 the statement of the managers on the conference report  
26 accompanying this Act: *Provided*, That in addition to

1 amounts provided herein, the following amounts shall be  
2 available from amounts available under section 241 of the  
3 Public Health Service Act: (1) \$79,200,000 to carry out  
4 subpart II of title XIX of the Public Health Service Act  
5 to fund section 1935(b) technical assistance, national  
6 data, data collection and evaluation activities, and further  
7 that the total available under this Act for section 1935(b)  
8 activities shall not exceed 5 percent of the amounts appro-  
9 priated for subpart II of title XIX; (2) \$21,803,000 to  
10 carry out subpart I of Part B of title XIX of the Public  
11 Health Service Act to fund section 1920(b) technical as-  
12 sistance, national data, data collection and evaluation ac-  
13 tivities, and further that the total available under this Act  
14 for section 1920(b) activities shall not exceed 5 percent  
15 of the amounts appropriated for subpart I of Part B of  
16 title XIX; (3) \$16,000,000 to carry out national surveys  
17 on drug abuse; (4) \$2,000,000 for mental health data col-  
18 lection; and (5) \$4,300,000 for substance abuse treatment  
19 programs.

20 AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

21 HEALTHCARE RESEARCH AND QUALITY

22 For carrying out titles III and IX of the Public  
23 Health Service Act, and part A of title XI of the Social  
24 Security Act, amounts received from Freedom of Informa-  
25 tion Act fees, reimbursable and interagency agreements,

1 and the sale of data shall be credited to this appropriation  
2 and shall remain available until expended: *Provided*, That  
3 the amount made available pursuant to section 927(c) of  
4 the Public Health Service Act shall not exceed  
5 \$318,695,000.

6 CENTERS FOR MEDICARE AND MEDICAID SERVICES

7 GRANTS TO STATES FOR MEDICAID

8 For carrying out, except as otherwise provided, titles  
9 XI and XIX of the Social Security Act, \$119,124,488,000,  
10 to remain available until expended.

11 For making, after May 31, 2005, payments to States  
12 under title XIX of the Social Security Act for the last  
13 quarter of fiscal year 2005 for unanticipated costs, in-  
14 curred for the current fiscal year, such sums as may be  
15 necessary.

16 For making payments to States or in the case of sec-  
17 tion 1928 on behalf of States under title XIX of the Social  
18 Security Act for the first quarter of fiscal year 2006,  
19 \$58,517,290,000, to remain available until expended.

20 Payment under title XIX may be made for any quar-  
21 ter with respect to a State plan or plan amendment in  
22 effect during such quarter, if submitted in or prior to such  
23 quarter and approved in that or any subsequent quarter.

24 PAYMENTS TO HEALTH CARE TRUST FUNDS

25 For payment to the Federal Hospital Insurance and  
26 the Federal Supplementary Medical Insurance Trust

1 Funds, as provided under section 1844, 1860D–16, and  
2 1860D–31 of the Social Security Act, sections 103(c) and  
3 111(d) of the Social Security Amendments of 1965, sec-  
4 tion 278(d) of Public Law 97–248, and for administrative  
5 expenses incurred pursuant to section 201(g) of the Social  
6 Security Act, \$114,608,900,000. To ensure prompt pay-  
7 ments of Medicare prescription drug benefits as provided  
8 under section 1860 D–16 of the Social Security Act,  
9 \$5,216,900,000, to become available on October 1, 2005  
10 for fiscal year 2006.

11 PROGRAM MANAGEMENT

12 For carrying out, except as otherwise provided, titles  
13 XI, XVIII, XIX, and XXI of the Social Security Act, titles  
14 XIII and XXVII of the Public Health Service Act, and  
15 the Clinical Laboratory Improvement Amendments of  
16 1988, not to exceed \$2,696,402,000, to be transferred  
17 from the Federal Hospital Insurance and the Federal Sup-  
18 plementary Medical Insurance Trust Funds, as authorized  
19 by section 201(g) of the Social Security Act; together with  
20 all funds collected in accordance with section 353 of the  
21 Public Health Service Act and section 1857(e)(2) of the  
22 Social Security Act, and such sums as may be collected  
23 from authorized user fees and the sale of data, which shall  
24 remain available until expended: *Provided*, That all funds  
25 derived in accordance with 31 U.S.C. 9701 from organiza-  
26 tions established under title XIII of the Public Health

1 Service Act shall be credited to and available for carrying  
2 out the purposes of this appropriation: *Provided further*,  
3 That \$24,400,000, to remain available until September  
4 30, 2006, is for contract costs for CMS's Systems Revital-  
5 ization Plan: *Provided further*, That \$78,300,000, to re-  
6 main available until September 30, 2006, is for contract  
7 costs for the Healthcare Integrated General Ledger Ac-  
8 counting System: *Provided further*, That funds appro-  
9 priated under this heading are available for the Healthy  
10 Start, Grow Smart program under which the Centers for  
11 Medicare and ~~Medicare~~ Services may, directly or through  
12 grants, contracts, or cooperative agreements, produce and  
13 distribute informational materials including, but not lim-  
14 ited to, pamphlets and brochures on infant and toddler  
15 health care to expectant parents enrolled in Medicaid pro-  
16 gram and to parents and guardians enrolled in such pro-  
17 gram with infants and children: *Provided further*, That not  
18 less than \$79,000,000 shall be for processing Medicare ap-  
19 peals: *Provided further*, That the Secretary of Health and  
20 Human Services is directed to collect fees in fiscal year  
21 2005 from Medicare + Choice organizations pursuant to  
22 section 1857(e)(2) of the Social Security Act and from eli-  
23 gible organizations with risk-sharing contracts under sec-  
24 tion 1876 of that Act pursuant to section 1876(k)(4)(D)  
25 of that Act: *Provided further*, that to the extent Medicare

insert F-1a  
and F-1b

Medicaid

the

T



Provided further, That of the amounts made available for research demonstration or evaluation,

(insert F-1a)

\$100,000 is available for Advocate Metro Outreach Initiative, Oak Brook, Illinois to implement an initiative to provide comprehensive health education and services to the deaf and hard-of-hearing community, \$150,000 is available for African American Interdenominational Ministries, Inc., Philadelphia, Pennsylvania to implement an insurance outreach program, \$1,900,000 is available for AIDS Healthcare Foundation, Los Angeles, California for a demonstration of residential and outpatient treatment facilities, \$450,000 is available for Bronx-Lebanon Hospital Center, Bronx, New York for a comprehensive adolescent and young adult health program to demonstrate means of improving health care and preventive services for underserved inner city teenagers and young adults, \$300,000 is available for Children's Institute for Palliative Care, Children's Hospitals and Clinics, Minneapolis, Minnesota for a pediatric palliative care demonstration program, \$600,000 is available for City of Detroit, Michigan for a project to improve access to primary care and preventive health services for low-income and uninsured persons, \$100,000 is available for Community Catalyst, Inc., Boston, Massachusetts, for the expansion of a benefits management program, \$150,000 is available for Cook County Bureau of Health Services in Chicago, Illinois for the Antibiotic Resistance Program, \$340,000 is available for Donald R. Watkins Memorial Foundation, Houston, Texas, for a comprehensive HIV/AIDS treatment and research demonstration program, \$100,000 is available for Focus on Therapeutic Outcomes, Inc., Knoxville, Tennessee, \$250,000 is available for Hamot Medical Center, Erie, Pennsylvania and the Ohio Health System, Columbus, Ohio to implement a demonstration project on the Medicare Advantage program, \$25,000 is available for HealthRight, Inc., Philadelphia, Pennsylvania for their Care Access Program, \$75,000 is available for Inglis Foundation, Philadelphia, Pennsylvania for healthcare and social services for low-income adults with severe physical disabilities in an effort to promote independent living, \$50,000 is available for Medical Care for Children Partnership, Fairfax, Virginia for access to specialty health care for children who have serious medical needs, \$500,000 is available for Memphis Biotech Foundation in Memphis, Tennessee to develop a biologistics network in Mississippi and Tennessee, \$225,000 is available for Muskegon Community Health Project, Muskegon, Michigan for the Access Health Program, \$30,000 is available for Our House of Portland, Portland, Oregon, to develop a Care Program for people living with AIDS, \$750,000 is available for Pace Vermont, Burlington, Vermont, for the Rural Program for All-inclusive Care for the Elderly, \$150,000 is available for Patient Advocate Foundation, Newport News, Virginia, to assist the PAF in serving patients experiencing difficulty accessing quality health care services, \$450,000 is available for Puerto Rico's Governor's Office of Elderly Affairs for the Medication Error Prevention Pilot Program, \$1,500,000 is available for San Francisco Department of Public Health, San Francisco, California for a demonstration project to improve HIV/AIDS treatment and prevention services, \$300,000 is available for Santa Clara County, California for outreach and enrollment assistance activities of the Children's Health Initiative, \$500,000 is available for Susquehanna Health System, Williamsport, Pennsylvania for stabilizing workforce for patient care, \$500,000 is available for Swope Health Services, Kansas City, Missouri to supplement recurring healthcare costs for underemployed, uninsured, and income-qualified patients in Wyandotte and Johnson Counties, Kansas, \$100,000 is available for Temple University, Crime and Justice Research Center, Philadelphia, Pennsylvania for DNA backlog and

Insert F-16

utilization, and \$250,000 is available for University of Maine, Partnership for Early  
Childhood Health & Services:

1 claims processing unit costs are projected by the Centers  
2 for Medicare and Medicaid Services to exceed \$0.87 for  
3 Part A claims and/or \$0.63 for Part B claims, up to an  
4 additional \$18,000,000 may be available for obligation for  
5 every \$0.04 increase in Medicare claims processing unit  
6 costs from the Federal Hospital Insurance and the Fed-  
7 eral Supplementary Medical Insurance Trust Funds. The  
8 calculation of projected unit costs shall be derived in the  
9 same manner in which the estimated unit costs were cal-  
10 culated for the Federal budget estimate for the fiscal year.

11 HEALTH MAINTENANCE ORGANIZATION LOAN AND LOAN  
12 GUARANTEE FUND

13 For carrying out subsections (d) and (e) of section  
14 1308 of the Public Health Service Act, any amounts re-  
15 ceived by the Secretary in connection with loans and loan  
16 guarantees under title XIII of the Public Health Service  
17 Act, to be available without fiscal year limitation for the  
18 payment of outstanding obligations. During fiscal year  
19 2005, no commitments for direct loans or loan guarantees  
20 shall be made.

21 ADMINISTRATION FOR CHILDREN AND FAMILIES

22 PAYMENTS TO STATES FOR CHILD SUPPORT

23 ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

24 For making payments to States or other non-Federal  
25 entities under titles I, IV-D, X, XI, XIV, and XVI of the  
26 Social Security Act and the Act of July 5, 1960 (24

1 U.S.C. ch. 9), \$2,873,802,000, to remain available until  
2 expended; and for such purposes for the first quarter of  
3 fiscal year 2006, \$1,200,000,000, to remain available until  
4 expended.

5 For making payments to each State for carrying out  
6 the program of Aid to Families with Dependent Children  
7 under title IV–A of the Social Security Act before the ef-  
8 fective date of the program of Temporary Assistance for  
9 Needy Families (TANF) with respect to such State, such  
10 sums as may be necessary: *Provided*, That the sum of the  
11 amounts available to a State with respect to expenditures  
12 under such title IV–A in fiscal year 1997 under this ap-  
13 propriation and under such title IV–A as amended by the  
14 Personal Responsibility and Work Opportunity Reconcili-  
15 ation Act of 1996 shall not exceed the limitations under  
16 section 116(b) of such Act.

17 For making, after May 31 of the current fiscal year,  
18 payments to States or other non-Federal entities under  
19 titles I, IV–D, X, XI, XIV, and XVI of the Social Security  
20 Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), for  
21 the last 3 months of the current fiscal year for unantici-  
22 pated costs, incurred for the current fiscal year, such sums  
23 as may be necessary.

24 LOW-INCOME HOME ENERGY ASSISTANCE

25 For making payments under title XXVI of the Omni-  
26 bus Budget Reconciliation Act of 1981, \$1,900,000,000.

1       For making payments under title XXVI of the Omni-  
2 bus Budget Reconciliation Act of 1981, \$300,000,000, to  
3 remain available until expended: *Provided*, That these  
4 funds are for the unanticipated home energy assistance  
5 needs of one or more States, as authorized by section  
6 2604(e) of the Act: *Provided further*, That the entire  
7 amount is designated as an emergency requirement pursu-  
8 ant to section 402 of S. Con. Res. 95 (108th Congress)  
9 as made applicable to the House of Representatives by H.  
10 Res. 649 (108th Congress) and applicable to the Senate  
11 by Section 14007 of Public Law 108–287.

12                   REFUGEE AND ENTRANT ASSISTANCE

13       For necessary expenses for refugee and entrant as-  
14 sistance activities and for costs associated with the care  
15 and placement of unaccompanied alien children authorized  
16 by title IV of the Immigration and Nationality Act and  
17 section 501 of the Refugee Education Assistance Act of  
18 1980 (Public Law 96–422), for carrying out section 462  
19 of the Homeland Security Act of 2002 (Public Law 107–  
20 296), and for carrying out the Torture Victims Relief Act  
21 of 2003 (Public Law 108–179), \$488,336,000, of which  
22 up to \$10,000,000 shall be available to carry out the Traf-  
23 ficking Victims Protection Act of 2003 (Public Law 108–  
24 193): *Provided*, That funds appropriated under this head-  
25 ing pursuant to section 414(a) of the Immigration and  
26 Nationality Act and section 462 of the Homeland Security

1 Act of 2002 for fiscal year 2005 shall be available for the  
2 costs of assistance provided and other activities to remain  
3 available through September 30, 2007.

4 PAYMENTS TO STATES FOR THE CHILD CARE AND  
5 DEVELOPMENT BLOCK GRANT

6 For carrying out sections 658A through 658R of the  
7 Omnibus Budget Reconciliation Act of 1981 (The Child  
8 Care and Development Block Grant Act of 1990),  
9 \$2,099,729,000 shall be used to supplement, not supplant  
10 state general revenue funds for child care assistance for  
11 low-income families: *Provided*, That \$19,120,000 shall be  
12 available for child care resource and referral and school-  
13 aged child care activities, of which \$1,000,000 shall be for  
14 the Child Care Aware toll free hotline: *Provided further*,  
15 That, in addition to the amounts required to be reserved  
16 by the States under section 658G, \$272,672,000 shall be  
17 reserved by the States for activities authorized under sec-  
18 tion 658G, of which \$100,000,000 shall be for activities  
19 that improve the quality of infant and toddler care: *Pro-*  
20 *vided further*, That \$10,000,000 shall be for use by the  
21 Secretary for child care research, demonstration, and eval-  
22 uation activities.

23 SOCIAL SERVICES BLOCK GRANT

24 For making grants to States pursuant to section  
25 2002 of the Social Security Act, \$1,700,000,000: *Pro-*  
26 *vided*, That notwithstanding subparagraph (B) of section

1 404(d)(2) of such Act, the applicable percent specified  
2 under such subparagraph for a State to carry out State  
3 programs pursuant to title XX of such Act shall be 10  
4 percent.

5 CHILDREN AND FAMILIES SERVICES PROGRAMS

6 For carrying out, except as otherwise provided, the  
7 Runaway and Homeless Youth Act, the Developmental  
8 Disabilities Assistance and Bill of Rights Act, the Head  
9 Start Act, the Child Abuse Prevention and Treatment Act,  
10 sections 310 and 316 of the Family Violence Prevention  
11 and Services Act, as amended, the Native American Pro-  
12 grams Act of 1974, title II of Public Law 95-266 (adop-  
13 tion opportunities), the Adoption and Safe Families Act  
14 of 1997 (Public Law 105-89), sections 1201 and 1211  
15 of the Children's Health Act of 2000, the Abandoned In-  
16 fants Assistance Act of 1988, sections 261 and 291 of the  
17 Help America Vote Act of 2002, the Early Learning Op-  
18 portunities Act, part B(1) of title IV and sections 413,  
19 429A, 1110, and 1115 of the Social Security Act, and sec-  
20 tions 40155, 40211, and 40241 of Public Law 103-322;  
21 for making payments under the Community Services  
22 Block Grant Act, sections 439(h), 473A, and 477(i) of the  
23 Social Security Act, and title IV of Public Law 105-285,  
24 and for necessary administrative expenses to carry out  
25 said Acts and titles I, IV, V, X, XI, XIV, XVI, and XX  
26 of the Social Security Act, the Act of July 5, 1960 (24

1 U.S.C. ch. 9), the Omnibus Budget Reconciliation Act of  
2 1981, title IV of the Immigration and Nationality Act, sec-  
3 tion 501 of the Refugee Education Assistance Act of 1980,  
4 sections 40155, 40211, and 40241 of Public Law 103-  
5 322, and section 126 and titles IV and V of Public Law  
6 100-485, \$9,069,853,000, of which \$32,103,000, to re-  
7 main available until September 30, 2006, shall be for  
8 grants to States for adoption incentive payments, as au-  
9 thorized by section 473A of title IV of the Social Security  
10 Act (42 U.S.C. 670-679) and may be made for adoptions  
11 completed before September 30, 2005: *Provided further,*  
12 That \$6,898,580,000 shall be for making payments under  
13 the Head Start Act, of which \$1,400,000,000 shall become  
14 available October 1, 2005 and remain available through  
15 September 30, 2006: *Provided further,* That \$732,385,000  
16 shall be for making payments under the Community Serv-  
17 ices Block Grant Act: *Provided further,* That not less than  
18 \$7,300,000 shall be for section 680(3)(B) of the Commu-  
19 nity Services Block Grant Act, *Provided further,* That  
20 within amounts provided herein for abstinence education  
21 for adolescents, up to \$10,000,000 may be available for  
22 a national abstinence education campaign: *Provided fur-*  
23 *ther,* That in addition to amounts provided herein,  
24 \$6,000,000 shall be available from amounts available  
25 under section 241 of the Public Health Service Act to



1 carry out the provisions of section 1110 of the Social Secu-  
2 rity Act: *Provided further*, That to the extent Community  
3 Services Block Grant funds are distributed as grant funds  
4 by a State to an eligible entity as provided under the Act,  
5 and have not been expended by such entity, they shall re-  
6 main with such entity for carryover into the next fiscal  
7 year for expenditure by such entity consistent with pro-  
8 gram purposes: *Provided further*, That the Secretary shall  
9 establish procedures regarding the disposition of intan-  
10 gible property which permits grant funds, or intangible as-  
11 sets acquired with funds authorized under section 680 of  
12 the Community Services Block Grant Act, as amended, to  
13 become the sole property of such grantees after a period  
14 of not more than 12 years after the end of the grant for  
15 purposes and uses consistent with the original grant: *Pro-*  
16 *vided further*, That funds appropriated for section  
17 680(a)(2) of the Community Services Block Grant Act,  
18 as amended, shall be available for financing construction  
19 and rehabilitation and loans or investments in private  
20 business enterprises owned by community development  
21 corporations: *Provided further*, That \$55,000,000 is for a  
22 compassion capital fund to provide grants to charitable or-  
23 ganizations to emulate model social service programs and  
24 to encourage research on the best practices of social serv-  
25 ice organizations: *Provided further*, That \$15,000,000

1 shall be for activities authorized by the Help America Vote  
2 Act of 2002, of which \$10,000,000 shall be for payments  
3 to States to promote access for voters with disabilities, and  
4 of which \$5,000,000 shall be for payments to States for  
5 protection and advocacy systems for voters with disabili-  
6 ties: *Provided further*, That \$100,000,000 shall be for  
7 making competitive grants to provide abstinence education  
8 (as defined by section 510(b)(2) of the Social Security  
9 Act) to adolescents, and for Federal costs of administering  
10 the grant: *Provided further*, That grants under the imme-  
11 diately preceding proviso shall be made only to public and  
12 private entities which agree that, with respect to an ado-  
13 lescent to whom the entities provide abstinence education  
14 under such grant, the entities will not provide to that ado-  
15 lescent any other education regarding sexual conduct, ex-  
16 cept that, in the case of an entity expressly required by  
17 law to provide health information or services the adoles-  
18 cent shall not be precluded from seeking health informa-  
19 tion or services from the entity in a different setting than  
20 the setting in which abstinence education was provided:  
21 *Provided further*, That in addition to amounts provided  
22 herein for abstinence education for adolescents,  
23 \$4,500,000 shall be available from amounts available  
24 under section 241 of the Public Health Services Act to  
25 carry out evaluations (including longitudinal evaluations)

1 of adolescent pregnancy prevention approaches: *Provided*  
2 *further*, That \$2,000,000 shall be for improving the Public  
3 Assistance Reporting Information System, including  
4 grants to States to support data collection for a study of  
5 the system's effectiveness.

6 PROMOTING SAFE AND STABLE FAMILIES

7 For carrying out section 436 of the Social Security  
8 Act, \$305,000,000 and for section 437, \$99,383,000.

9 PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION  
10 ASSISTANCE

11 For making payments to States or other non-Federal  
12 entities under title IV-E of the Social Security Act,  
13 \$5,037,900,000.

14 For making payments to States or other non-Federal  
15 entities under title IV-E of the Act, for the first quarter  
16 of fiscal year 2006, \$1,767,200,000.

17 For making, after May 31 of the current fiscal year,  
18 payments to States or other non-Federal entities under  
19 section 474 of title IV-E, for the last 3 months of the  
20 current fiscal year for unanticipated costs, incurred for the  
21 current fiscal year, such sums as may be necessary.

22 ADMINISTRATION ON AGING

23 AGING SERVICES PROGRAMS

24 For carrying out, to the extent not otherwise pro-  
25 vided, the Older Americans Act of 1965, as amended, and  
26 section 398 of the Public Health Service Act,

1 \$1,404,634,000, of which \$5,500,000 shall be available for  
2 activities regarding medication management, screening,  
3 and education to prevent incorrect medication and adverse  
4 drug reactions; and of which \$4,558,000 shall remain  
5 available until September 30, 2007, for the White House  
6 Conference on Aging.

7 OFFICE OF THE SECRETARY

8 GENERAL DEPARTMENTAL MANAGEMENT

9 For necessary expenses, not otherwise provided, for  
10 general departmental management, including hire of six  
11 sedans, and for carrying out titles III, XVII, XX, and XXI  
12 of the Public Health Service Act, and the United States-  
13 Mexico Border Health Commission Act, \$371,975,000, to-  
14 gether with \$55,851,000 to be transferred and expended  
15 as authorized by section 201(g)(1) of the Social Security  
16 Act from the Hospital Insurance Trust Fund and the Sup-  
17 plemental Medical Insurance Trust Fund: *Provided*, That  
18 of the funds made available under this heading for car-  
19 rying out title XX of the Public Health Service Act,  
20 \$13,120,000 shall be for activities specified under section  
21 2003(b)(2), all of which shall be for prevention service  
22 demonstration grants under section 510(b)(2) of title V  
23 of the Social Security Act, as amended, without applica-  
24 tion of the limitation of section 2010(c) of said title XX:  
25 *Provided further*, That of this amount, \$52,838,000 shall

1 be for minority AIDS prevention and treatment activities;  
2 \$14,847,000 shall be for an Information Technology Secu-  
3 rity and Innovation Fund for Department-wide activities  
4 involving cybersecurity, information technology security,  
5 and related innovation projects; and \$6,000,000 shall be  
6 to assist Afghanistan in the development of maternal and  
7 child health clinics, consistent with section 103(a)(4)(H)  
8 of the Afghanistan Freedom Support Act of 2002: *Pro-*  
9 *vided further*, That no more than \$2,754,000 shall be  
10 available for the Office of the Assistant Secretary for Leg-  
11 islation: *Provided further*, That \$50,000,000 shall be  
12 transferred to the Social Security Administration for proc-  
13 essing Medicare appeals: *Provided further*, That specific  
14 information requests from the chairmen and ranking  
15 members of the Subcommittees on Labor, Health and  
16 Human Services, and Education, and Related Agencies,  
17 on scientific research or any other matter, shall be trans-  
18 mitted to the Committees on Appropriations in a prompt  
19 professional manner and within the time frame specified  
20 in the request: *Provided further*, That scientific informa-  
21 tion requested by the Committees on Appropriations and  
22 prepared by government researchers and scientists shall  
23 be transmitted to the Committees on Appropriations, un-  
24 censored and without delay.

## 1 OFFICE OF INSPECTOR GENERAL

2 For expenses necessary for the Office of Inspector  
3 General, including the hire of passenger motor vehicles for  
4 investigations, in carrying out the provisions of the Inspec-  
5 tor General Act of 1978, as amended, \$40,323,000: *Pro-*  
6 *vided*, That of such amount, necessary sums are available  
7 for providing protective services to the Secretary and in-  
8 vestigating non-payment of child support cases for which  
9 non-payment is a Federal offense under 18 U.S.C. 228.

## 10 OFFICE FOR CIVIL RIGHTS

11 For expenses necessary for the Office for Civil  
12 Rights, \$32,043,000, together with not to exceed  
13 \$3,314,000 to be transferred and expended as authorized  
14 by section 201(g)(1) of the Social Security Act from the  
15 Hospital Insurance Trust Fund and the Supplemental  
16 Medical Insurance Trust Fund.

## 17 POLICY RESEARCH

18 For carrying out, to the extent not otherwise pro-  
19 vided, research studies under section 1110 of the Social  
20 Security Act and title III of the Public Health Service Act,  
21 \$20,750,000, which shall be available from amounts avail-  
22 able under section 241 of the Public Health Service Act  
23 to carry out national health or human services research  
24 and evaluation activities: *Provided*, That the expenditure  
25 of any funds available under section 241 of the Public

1 Health Service Act are subject to the requirements of sec-  
2 tion 205 of this Act.

3 RETIREMENT PAY AND MEDICAL BENEFITS FOR  
4 COMMISSIONED OFFICERS

5 For retirement pay and medical benefits of Public  
6 Health Service Commissioned Officers as authorized by  
7 law, for payments under the Retired Serviceman's Family  
8 Protection Plan and Survivor Benefit Plan, for medical  
9 care of dependents and retired personnel under the De-  
10 pendants' Medical Care Act (10 U.S.C. ch. 55 and 56),  
11 such amounts as may be required during the current fiscal  
12 year. The following are definitions for the medical benefits  
13 of the Public Health Service Commissioned Officers that  
14 apply to 10 U.S.C. chapter 56, section 1116(c). The  
15 source of funds for the monthly accrual payments into the  
16 Department of Defense Medicare-Eligible Retiree Health  
17 Care Fund shall be the Retirement Pay and Medical Bene-  
18 fits for Commissioned Officers account. For purposes of  
19 this Act, the term "pay of members" shall be construed  
20 to be synonymous with retirement payments to United  
21 States Public Health Service officers who are retired for  
22 age, disability, or length of service; payments to survivors  
23 of deceased officers; medical care to active duty and re-  
24 tired members and dependents and beneficiaries; all of  
25 which payments are provided for by the Retirement Pay  
26 and Medical Benefits for Commissioned Officers account.

1 PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY

2 FUND

3 For expenses necessary to support activities related  
4 to countering potential biological, disease, nuclear, radio-  
5 logical and chemical threats to civilian populations,  
6 \$2,208,287,000: *Provided*, That this amount is distributed  
7 as follows: Centers for Disease Control and Prevention,  
8 \$1,173,300,000; Office of the Secretary, \$64,438,000;  
9 Strategic National Stockpile, \$400,000,000, to remain  
10 available until expended; National Institutes of Health,  
11 \$47,400,000; and Health Resources and Services Admin-  
12 istration, \$523,149,000: *Provided further*, That employees  
13 of the Centers for Disease Control and Prevention or the  
14 Public Health Service, both civilian and Commissioned Of-  
15 ficers, detailed to States, municipalities, or other organiza-  
16 tions under authority of section 214 of the Public Health  
17 Service Act for purposes related to homeland security,  
18 shall be treated as non-Federal employees for reporting  
19 purposes only and shall not be included within any per-  
20 sonnel ceiling applicable to the Agency, Service, or the De-  
21 partment of Health and Human Services during the pe-  
22 riod of detail or assignment.

23 In addition, for activities to ensure a year-round in-  
24 fluenza vaccine production capacity; the development and  
25 implementation of rapidly expandable influenza vaccine



1 production technologies; and if determined necessary by  
2 the Secretary, the purchase of influenza vaccine,  
3 \$100,000,000, to remain available until expended.

4 GENERAL PROVISIONS

5 SEC. 201. Funds appropriated in this title shall be  
6 available for not to exceed \$50,000 for official reception  
7 and representation expenses when specifically approved by  
8 the Secretary.

9 SEC. 202. The Secretary shall make available through  
10 assignment not more than 60 employees of the Public  
11 Health Service to assist in child survival activities and to  
12 work in AIDS programs through and with funds provided  
13 by the Agency for International Development, the United  
14 Nations International Children's Emergency Fund or the  
15 World Health Organization.

16 SEC. 203. None of the funds appropriated under this  
17 Act may be used to implement section 399F(b) of the Pub-  
18 lic Health Service Act or section 1503 of the National In-  
19 stitutes of Health Revitalization Act of 1993, Public Law  
20 103-43.

21 SEC. 204. None of the funds appropriated in this Act  
22 for the National Institutes of Health, the Agency for  
23 Healthcare Research and Quality, and the Substance  
24 Abuse and Mental Health Services Administration shall  
25 be used to pay the salary of an individual, through a grant

1 or other extramural mechanism, at a rate in excess of Ex-  
2 ecutive Level I.

3 SEC. 205. None of the funds appropriated in this title  
4 for Head Start shall be used to pay the compensation of  
5 an individual, either as direct costs or any proration as  
6 an indirect cost, at a rate in excess of Executive Level  
7 II.

8 SEC. 206. None of the funds appropriated in this Act  
9 may be expended pursuant to section 241 of the Public  
10 Health Service Act, except for funds specifically provided  
11 for in this Act, or for other taps and assessments made  
12 by any office located in the Department of Health and  
13 Human Services, prior to the Secretary's preparation and  
14 submission of a report to the Committee on Appropria-  
15 tions of the Senate and of the House detailing the planned  
16 uses of such funds.

17 SEC. 207. Notwithstanding section 241(a) of the  
18 Public Health Service Act, such portion as the Secretary  
19 shall determine, but not more than 2.5 percent, of any  
20 amounts appropriated for programs authorized under said  
21 Act shall be made available for the evaluation (directly,  
22 or by grants or contracts) of the implementation and effec-  
23 tiveness of such programs.

24 (TRANSFER OF FUNDS)

25 SEC. 208. Not to exceed 1 percent of any discre-  
26 tionary funds (pursuant to the Balanced Budget and

1 Emergency Deficit Control Act of 1985, as amended)  
2 which are appropriated for the current fiscal year for the  
3 Department of Health and Human Services in this Act  
4 may be transferred between a program, project, or activ-  
5 ity, but no such program, project, or activity shall be in-  
6 creased by more than 3 percent by any such transfer: *Pro-*  
7 *vided*, That a program, project, or activity may be in-  
8 creased by up to an additional 2 percent subject to ap-  
9 proval by the House and Senate Committees on Appro-  
10 priations: *Provided further*, That the Appropriations Com-  
11 mittees of both Houses of Congress are notified at least  
12 15 days in advance of any transfer.

13 SEC. 209. Of the amounts made available in this Act  
14 for the National Institutes of Health, the amount for re-  
15 search related to the human immunodeficiency virus, as  
16 jointly determined by the Director of the National Insti-  
17 tutes of Health and the Director of the Office of AIDS  
18 Research, shall be made available to the "Office of AIDS  
19 Research" account. The Director of the Office of AIDS  
20 Research shall transfer from such account amounts nec-  
21 essary to carry out section 2353(d)(3) of the Public  
22 Health Service Act.

23 SEC. 210. None of the funds appropriated in this Act  
24 may be made available to any entity under title X of the  
25 Public Health Service Act unless the applicant for the

1 award certifies to the Secretary that it encourages family  
2 participation in the decision of minors to seek family plan-  
3 ning services and that it provides counseling to minors on  
4 how to resist attempts to coerce minors into engaging in  
5 sexual activities.

6 SEC. 211. None of the funds appropriated by this Act  
7 (including funds appropriated to any trust fund) may be  
8 used to carry out the Medicare+Choice program if the  
9 Secretary denies participation in such program to an oth-  
10 erwise eligible entity (including a Provider Sponsored Or-  
11 ganization) because the entity informs the Secretary that  
12 it will not provide, pay for, provide coverage of, or provide  
13 referrals for abortions: *Provided*, That the Secretary shall  
14 make appropriate prospective adjustments to the capita-  
15 tion payment to such an entity (based on an actuarially  
16 sound estimate of the expected costs of providing the serv-  
17 ice to such entity's enrollees): *Provided further*, That noth-  
18 ing in this section shall be construed to change the Medi-  
19 care program's coverage for such services and a  
20 Medicare+Choice organization described in this section  
21 shall be responsible for informing enrollees where to obtain  
22 information about all Medicare covered services.

23 SEC. 212. Notwithstanding any other provision of  
24 law, no provider of services under title X of the Public  
25 Health Service Act shall be exempt from any State law

1 requiring notification or the reporting of child abuse, child  
2 molestation, sexual abuse, rape, or incest.

3 SEC. 213. The Foreign Operations, Export Finance-  
4 ing, and Related Programs Appropriations Act, 1990  
5 (Public Law 101-167) is amended—

6 (1) in section 599D (8 U.S.C. 1157 note)—

7 (A) in subsection (b)(3), by striking  
8 “1997, 1998, 1999, 2000, 2001, 2002, 2003,  
9 2004, and 2005” and inserting “1997, 1998,  
10 1999, 2000, 2001, 2002, 2003, 2004, 2005,  
11 and 2006”; and

12 (B) in subsection (e), by striking “October  
13 1, 2004” each place it appears and inserting  
14 “October 1, 2005”;

15 (C) in subsection (b)(1)—

16 (i) in subparagraph (A), by striking  
17 “and” at the end;

18 (ii) in subparagraph (B), by striking  
19 the period and inserting “; and”; and

20 (iii) by adding at the end the fol-  
21 lowing:

22 “(C) one or more categories of aliens who are  
23 or were nationals and residents of the Islamic Re-  
24 public or Iran who, as members of a religious minor-  
25 ity in Iran, share common characteristics that iden-

1       tify them as targets of persecution in that state on  
2       account of race, religion, nationality, membership in  
3       a particular social group, or political opinion.”; and  
4       (2) in section 599E (8 U.S.C. 1255 note) in  
5       subsection (b)(2), by striking “September 30, 2004”  
6       and inserting “September 30, 2005”.

7       SEC. 214. (a) Except as provided by subsection (e)  
8       none of the funds appropriated by this Act may be used  
9       to withhold substance abuse funding from a State pursu-  
10      ant to section 1926 of the Public Health Service Act (42  
11      U.S.C. 300x–26) if such State certifies to the Secretary  
12      of Health and Human Services by May 1, 2005 that the  
13      State will commit additional State funds, in accordance  
14      with subsection (b), to ensure compliance with State laws  
15      prohibiting the sale of tobacco products to individuals  
16      under 18 years of age.

17      (b) The amount of funds to be committed by a State  
18      under subsection (a) shall be equal to 1 percent of such  
19      State’s substance abuse block grant allocation for each  
20      percentage point by which the State misses the retailer  
21      compliance rate goal established by the Secretary of  
22      Health and Human Services under section 1926 of such  
23      Act.

24      (c) The State is to maintain State expenditures in  
25      fiscal year 2005 for tobacco prevention programs and for

1 compliance activities at a level that is not less than the  
2 level of such expenditures maintained by the State for fis-  
3 cal year 2004, and adding to that level the additional  
4 funds for tobacco compliance activities required under  
5 subsection (a). The State is to submit a report to the Sec-  
6 retary on all fiscal year 2004 State expenditures and all  
7 fiscal year 2005 obligations for tobacco prevention and  
8 compliance activities by program activity by July 31,  
9 2005.

10 (d) The Secretary shall exercise discretion in enforce-  
11 ing the timing of the State obligation of the additional  
12 funds required by the certification described in subsection  
13 (a) as late as July 31, 2005.

14 (e) None of the funds appropriated by this Act may  
15 be used to withhold substance abuse funding pursuant to  
16 section 1926 from a territory that receives less than  
17 \$1,000,000.

18 SEC. 215. In order for the Centers for Disease Con-  
19 trol and Prevention to carry out international health ac-  
20 tivities, including HIV/AIDS and other infectious disease,  
21 chronic and environmental disease, and other health ac-  
22 tivities abroad during fiscal year 2005, the Secretary of  
23 Health and Human Services—

24 (1) may exercise authority equivalent to that  
25 available to the Secretary of State in section 2(c) of

1 the State Department Basic Authorities Act of 1956  
2 (22 U.S.C. 2669(c)). The Secretary of Health and  
3 Human Services shall consult with the Secretary of  
4 State and relevant Chief of Mission to ensure that  
5 the authority provided in this section is exercised in  
6 a manner consistent with section 207 of the Foreign  
7 Service Act of 1980 (22 U.S.C. 3927) and other ap-  
8 plicable statutes administered by the Department of  
9 State, and

10 (2) is authorized to provide such funds by ad-  
11 vance or reimbursement to the Secretary of State as  
12 may be necessary to pay the costs of acquisition,  
13 lease, alteration, renovation, and management of fa-  
14 cilities outside of the United States for the use of  
15 the Department of Health and Human Services. The  
16 Department of State shall cooperate fully with the  
17 Secretary of Health and Human Services to ensure  
18 that the Department of Health and Human Services  
19 has secure, safe, functional facilities that comply  
20 with applicable regulation governing location, set-  
21 back, and other facilities requirements and serve the  
22 purposes established by this Act. The Secretary of  
23 Health and Human Services is authorized, in con-  
24 sultation with the Secretary of State, through grant  
25 or cooperative agreement, to make available to pub-



1       lic or nonprofit private institutions or agencies in  
2       participating foreign countries, funds to acquire,  
3       lease, alter, or renovate facilities in those countries  
4       as necessary to conduct programs of assistance for  
5       international health activities, including activities re-  
6       lating to HIV/AIDS and other infectious diseases,  
7       chronic and environmental diseases, and other health  
8       activities abroad.

9       SEC. 216. The Division of Federal Occupational  
10      Health may utilize personal services contracting to employ  
11      professional management/administrative and occupational  
12      health professionals.

13      SEC. 217. (a) AUTHORITY.—Notwithstanding any  
14      other provision of law, the Director of the National Insti-  
15      tutes of Health may use funds available under section  
16      402(i) of the Public Health Service Act (42 U.S.C. 282(i))  
17      to enter into transactions (other than contracts, coopera-  
18      tive agreements, or grants) to carry out research in sup-  
19      port of the NIH Roadmap Initiative of the Director.

20      (b) PEER REVIEW.—In entering into transactions  
21      under subsection (a), the Director of the National Insti-  
22      tutes of Health may utilize such peer review procedures  
23      (including consultation with appropriate scientific experts)  
24      as the Director determines to be appropriate to obtain as-  
25      sessments of scientific and technical merit. Such proce-

1 dures shall apply to such transactions in lieu of the peer  
2 review and advisory council review procedures that would  
3 otherwise be required under sections 301(a)(3),  
4 405(b)(1)(B), 405(b)(2), 406(a)(3)(A), 492, and 494 of  
5 the Public Health Service Act (42 U.S.C. 241,  
6 284(b)(1)(B), 284(b)(2), 284a(a)(3)(A), 289a, and 289c).

7 SEC. 218. Notwithstanding any other provisions of  
8 law, funds made available under this heading may be used  
9 to continue operating the Council on Graduate Medical  
10 Education established by section 301 of Public Law 102–  
11 408.

12 SEC. 219. (a) Notwithstanding section 412.23(b)(2)  
13 of title 42 of the Code of Federal Regulations, none of  
14 the funds appropriated by this Act may be expended by  
15 the Secretary of Health and Human Services to treat a  
16 hospital or unit of a hospital that was certified by the Sec-  
17 retary as an inpatient rehabilitation facility on or before  
18 June 30, 2004, as a subsection (d) hospital (as defined  
19 in section 1886(d)(1)(B) of the Social Security Act (42  
20 U.S.C. 1395ww(d)(1)(B))) until, not later than 60 days  
21 after the date on which the report under subsection (b)  
22 is issued, the Secretary, taking into account the rec-  
23 ommendations in such report—

24 (1) determines that the classification criteria of  
25 hospitals and units of hospitals as inpatient rehabili-

1       tation facilities under such section 412.23(b)(2) are  
2       not inconsistent with such recommendations; or

3           (2) promulgates a regulation providing for re-  
4       vised criteria under such section 412.23(b)(2), which  
5       regulation shall be effective and final immediately on  
6       an interim basis as of the date of publication of the  
7       regulation.

8       (b) The study referred to in subsection (a) is a study  
9       by the Comptroller General of the United States directed  
10      in the statement of managers accompanying the con-  
11      ference report on the bill H.R. 1 of the 108th Congress  
12      regarding clinically appropriate standards for defining in-  
13      patient rehabilitation services under such section  
14      412.23(b)(2).

15      SEC. 220. In addition to funds appropriated to the  
16      Office of Inspector General of the Department of Health  
17      and Human Services under Public Law 104-191 and this  
18      Act, \$25,000,000 shall be transferred from amounts ap-  
19      propriated under section 1015(a)(1) of Public Law 108-  
20      173 for activities by the Office of Inspector General of  
21      the Department of Health and Human Services relating  
22      to oversight of programs established or revised by Public  
23      Law 108-173.

24      SEC. 221. The unobligated balance of the Health Pro-  
25      fessions Student Loan program authorized in Subpart II,

1 Federally-Supported Student Loan Funds, of Title VII of  
2 the Public Health Services Act is rescinded.

3 SEC 222. The unobligated balance of the Nursing  
4 Student Loan program authorized by section 835 of the  
5 Public Health Services Act is rescinded.

6 SEC. 223. The unobligated balance, excluding  
7 amounts necessary for the costs of potential defaults, in  
8 the Medical Facilities Guarantee and Loan Fund is re-  
9 scinded.

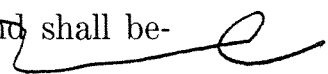
10 SEC. 224. The unobligated balance in the amount of  
11 \$20,000,000 appropriated by Public Law 108-11 under  
12 the heading "Public Health and Social Services Emer-  
13 gency Fund" is rescinded.

14 SEC. 225. The Center for Biodefense and Emerging  
15 Infectious Diseases (Building 33) at the National Insti-  
16 tutes of Health is hereby named the C.W. Bill Young Cen-  
17 ter for Biodefense and Emerging Infectious Diseases.

18 This title may be cited as the "Department of Health  
19 and Human Services Appropriations Act, 2005".

## 20 TITLE III—DEPARTMENT OF EDUCATION

### 21 EDUCATION FOR THE DISADVANTAGED

22 For carrying out title I of the Elementary and Sec-  
23 ondary Education Act of 1965 ("ESEA") and section  
24 418A of the Higher Education Act of 1965,  
25 \$14,963,683,000, of which \$7,382,995,000 ~~and~~ shall be 

1 come available on July 1, 2005, shall remain available (and  
2 through September 30, 2006, of which \$7,383,301,000  
3 shall become available on October 1, 2005, and shall re- land  
4 main available through September 30, 2006, and of which  
5 \$25,000,000 shall become available on October 1, 2004  
6 and shall remain available until September 30, 2006, for  
7 academic year 2005-2006: *Provided, That*  
8 \$7,037,592,000 shall be available for basic grants under  
9 section 1124: *Provided further, That* up to \$3,500,000 of  
10 these funds shall be available to the Secretary of Edu-  
11 cation on October 1, 2004, to obtain annually updated  
12 educational-agency-level census poverty data from the Bu-  
13 reau of the Census: *Provided further, That*  
14 \$1,365,031,000 shall be available for concentration grants  
15 under section 1124A: *Provided further, That*  
16 \$2,219,843,000 shall be available for targeted grants  
17 under section 1125: *Provided further, That*  
18 \$2,219,843,000 shall be available for education finance in-  
19 centive grants under section 1125A: *Provided further,*  
20 *That* \$25,000,000, available until September 30, 2006,  
21 shall be for a striving readers initiative authorized under  
22 section 1502 of the ESEA: *Provided further, That*  
23 \$9,500,000 shall be available to carry out part E of title  
24 I: *Provided further, That* from the funds available to carry  
25 out part E of title I, up to \$1,000,000 shall be available

1 to the Secretary of Education to provide technical assist-  
2 ance to state and local educational agencies concerning  
3 part A of title I: *Provided further*, That \$207,000,000  
4 shall be available for comprehensive school reform grants  
5 under part F of the ESEA.

6 IMPACT AID

7 For carrying out programs of financial assistance to  
8 federally affected schools authorized by title VIII of the  
9 Elementary and Secondary Education Act of 1965,  
10 \$1,253,893,000, of which \$1,083,687,000 shall be for  
11 basic support payments under section 8003(b),  
12 \$50,369,000 shall be for payments for children with dis-  
13 abilities under section 8003(d), \$48,936,000 shall be for  
14 construction under section 8007 and shall remain avail-  
15 able through September 30, 2006, \$63,000,000 shall be  
16 for Federal property payments under section 8002, and  
17 \$7,901,000, to remain available until expended, shall be  
18 for facilities maintenance under section 8008: *Provided*,  
19 That \$3,000,000 of the funds for section 8007 shall be  
20 available for the local educational agencies and in the  
21 amounts specified in the statement of the managers on  
22 the conference report accompanying this Act: *Provided*  
23 *further*, That, notwithstanding any other provision of law,  
24 these funds shall remain available until expended: *Pro-*  
25 *vided further*, That for purposes of computing the amount

1 of a payment for an eligible local educational agency under  
2 section 8003(a) of the Elementary and Secondary Edu-  
3 cation Act (20 U.S.C. 7703(a)) for school year 2004–  
4 2005, children enrolled in a school of such agency that  
5 would otherwise be eligible for payment under section  
6 8003(a)(1)(B) of such Act, but due to the deployment of  
7 both parents or legal guardians, or a parent or legal  
8 guardian having sole custody of such children, or due to  
9 the death of a military parent or legal guardian while on  
10 active duty (so long as such children reside on Federal  
11 property as described in section 8003(a)(1)(B)), are no  
12 longer eligible under such section, shall be considered as  
13 eligible students under such section, provided such stu-  
14 dents remain in average daily attendance at a school in  
15 the same local educational agency they attended prior to  
16 their change in eligibility status.

17 SCHOOL IMPROVEMENT PROGRAMS

18 For carrying out school improvement activities au-  
19 thorized by titles II, part B of title IV, part A and sub-  
20 parts 6 and 9 of part D of title V, parts A and B of title  
21 VI, and parts B and C of title VII of the Elementary and  
22 Secondary Education Act of 1965 (“ESEA”); the McKin-  
23 ney-Vento Homeless Assistance Act; section 203 of the  
24 Educational Technical Assistance Act of 2002; the Com-  
25 pact of Free Association Amendments Act of 2003; and

1 the Civil Rights Act of 1964, \$5,664,977,000, of which  
2 \$4,034,196,000 shall become available on July 1, 2005,  
3 and remain available through September 30, 2006, and  
4 of which \$1,435,000,000 shall become available on Octo-  
5 ber 1, 2005, and shall remain available through September  
6 30, 2006, for academic year 2005–2006: *Provided*, That  
7 funds made available to carry out part B of title VII of  
8 the ESEA may be used for construction, renovation and  
9 modernization of any elementary school, secondary school,  
10 or structure related to an elementary school or secondary  
11 school, run by the Department of Education of the State  
12 of Hawaii, that serves a predominantly Native Hawaiian  
13 student body: *Provided further*, That from the funds re-  
14 ferred to in the preceding proviso, not less than  
15 \$1,000,000 shall be for a grant to the Department of Edu-  
16 cation of the State of Hawaii for the activities described  
17 in such proviso, and \$600,000 shall be for a grant to the  
18 University of Hawaii School of Law for a Center of Excel-  
19 lence in Native Hawaiian law: *Provided further*, That  
20 funds made available to carry out part C of title VII of  
21 the ESEA may be used for construction: *Provided further*,  
22 That from the funds referred to in the preceding proviso,  
23 \$2,000,000 shall be provided to the Yuut Elitnaurviut Vo-  
24 cational Learning Center in Bethel, Alaska for construc-  
25 tion; \$1,000,000 shall be provided to the University of



1 Alaska Anchorage for high school enrichment programs of  
2 the UAA Native Science and Engineering program; and  
3 notwithstanding any other provision of law, of the funds  
4 available to the Alaska Native Heritage Center, up to  
5 \$1,000,000 may be used for repair and renovation of  
6 buildings on its campus: *Provided further*, That  
7 \$415,000,000 shall be for State assessments and related  
8 activities authorized under sections 6111 and 6112 of the  
9 ESEA: *Provided further*, That the amount made available  
10 in the Department of Education Appropriations Act,  
11 2004, under the heading School Improvement Programs  
12 and including any funds transferred by the Secretary of  
13 Education pursuant to section 304 of that Act for state  
14 assessment grants authorized under section 6111 of the  
15 Elementary and Secondary Education Act of 1965, shall  
16 not be less than \$390,000,000: *Provided further*, That,  
17 notwithstanding any other provision of law, including any  
18 across-the-board reduction that would otherwise apply, the  
19 funds made available for fiscal year 2005 under the head-  
20 ing School Improvement Programs for state assessment  
21 grants under section 6111 of the Elementary and Sec-  
22 ondary Education Act of 1965 shall not be less than  
23 \$400,000,000: *Provided further*, That \$57,283,000 shall  
24 be available to carry out section 203 of the Educational  
25 Technical Assistance Act of 2002: *Provided further*, That

1 \$29,111,000 shall be available to carry out part D of title  
2 V of the ESEA: *Provided further*, That no funds appro-  
3 priated under this heading may be used to carry out sec-  
4 tion 5494 under the ESEA: *Provided further*, That  
5 \$12,230,000 shall be available to carry out the Supple-  
6 mental Education Grants program for the Federated  
7 States of Micronesia, and \$6,100,000 shall be available  
8 to carry out the Supplemental Education Grants program  
9 for the Republic of the Marshall Islands: *Provided further*,  
10 That up to five percent of these amounts may be reserved  
11 by the Federated States of Micronesia and the Republic  
12 of the Marshall Islands to administer the Supplemental  
13 Education Grants programs and to obtain technical assist-  
14 ance, oversight and consultancy services in the administra-  
15 tion of these grants and to reimburse the U.S. Depart-  
16 ments of Labor, Health and Human Services, and Edu-  
17 cation for such services.

18 INDIAN EDUCATION

19 For expenses necessary to carry out, to the extent  
20 not otherwise provided, title VII, part A of the Elementary  
21 and Secondary Education Act of 1965, \$120,856,000.

22 INNOVATION AND IMPROVEMENT

23 For carrying out activities authorized by parts G and  
24 H of title I, subpart 5 of part A and parts C and D of  
25 title II, parts B, C, and D of title V, and section 1504

1 of the Elementary and Secondary Education Act of 1965  
2 (“ESEA”), \$1,101,454,000: *Provided*, That \$17,000,000  
3 shall be available to carry out section 2151(c) of the  
4 ESEA, of which not less than \$10,000,000 shall be pro-  
5 vided to the National Board for Professional Teaching  
6 Standards, and not less than \$7,000,000 shall be provided  
7 to the American Board for the Certification of Teacher  
8 Excellence: *Provided further*, That \$37,279,000 shall be  
9 for subpart 2 of part B of title V: *Provided further*, That  
10 \$417,418,000 shall be available to carry out part D of  
11 title V of the ESEA: *Provided further*, That ~~\$236,963,000~~ 246,963,000  
12 of the funds for subpart 1, part D of title V of the ESEA  
13 shall be available for the projects and in the amounts spec-  
14 ified in the statement of the managers on the conference  
15 report accompanying this Act.

16       SAFE SCHOOLS AND CITIZENSHIP EDUCATION

17       For carrying out activities authorized by subpart 3  
18 of part C of title II, part A of title IV, and subparts 2,  
19 3 and 10 of part D of title V of the Elementary and Sec-  
20 ondary Education Act of 1965 (“ESEA”), title VIII–D  
21 of the Higher Education Amendments of 1998, and Public  
22 Law 102–73, \$867,713,000, of which \$467,908,000, shall  
23 become available on July 1, 2005 and remain available  
24 through September 30, 2006: *Provided*, That of the  
25 amount available for subpart 2 of part A of title IV of

1 the ESEA, \$850,000 shall be used to continue the Na-  
2 tional Recognition Awards program under the same guide-  
3 lines outlined by section 120(f) of Public Law 105-244:  
4 *Provided further*, That \$440,908,000 shall be available for  
5 subpart 1 of part A of title IV and \$236,472,000 shall  
6 be available for subpart 2 of part A of title IV: *Provided*  
7 *further*, That \$133,691,000 shall be available to carry out  
8 part D of title V of the ESEA: *Provided further*, That of  
9 the funds available to carry out subpart 3 of part C of  
10 title II, up to \$12,292,000 may be used to carry out sec-  
11 tion 2345 and \$3,050,000 shall be used by the Center for  
12 Civic Education to implement a comprehensive program  
13 to improve public knowledge, understanding, and support  
14 of the Congress and the state legislatures: *Provided fur-*  
15 *ther*, That \$27,000,000 shall be for Youth Offender  
16 Grants, of which \$5,000,000 shall be used in accordance  
17 with section 601 of Public Law 102-73 as that section  
18 was in effect prior to enactment of Public Law 105-220:  
19 *Provided further*, That of the funds available to carry out  
20 subpart 10 of part D of title V, up to \$2,000,000 may  
21 be used to support the Special Olympics National Summer  
22 Games.

23                   ENGLISH LANGUAGE ACQUISITION

24       For carrying out part A of title III of the ESEA,  
25 \$681,215,000, of which \$595,715,000 shall become avail-

1 able on July 1, 2005, and shall remain available through  
 2 September 30, 2006: *Provided*, That funds reserved under  
 3 section 3111(c)(1)(D) of the ESEA that are not used in  
 4 accordance with section 3111(c)(2) may be added to the  
 5 funds that are available July 1, 2005, through September  
 6 30, 2006, for State allotments under section 3111(c)(3).

# 7 SPECIAL EDUCATION

8 For carrying out parts B, C, and D of the Individuals  
 9 with Disabilities Education Act, \$11,767,748,000, of  
 10 which \$6,145,270,000 shall become available for obliga-  
 11 tion on July 1, 2005, and shall remain available through  
 12 September 30, 2006, and of which \$5,413,000,000 shall  
 13 become available on October 1, 2005, and shall remain  
 14 available through September 30, 2006, for academic year  
 15 2005–2006: *Provided*, That \$11,400,000 shall be for Re-  
 16 cording for the Blind and Dyslexic, Inc., to support the  
 17 development, production, and circulation of recorded edu-  
 18 cational materials: *Provided further*, That \$1,500,000  
 19 shall be for the recipient of funds provided by Public Law  
 20 105–78 under section 687(b)(2)(G) of the Act to provide  
 21 information on diagnosis, intervention, and teaching strat-  
 22 egies for children with disabilities: *Provided further*, That  
 23 the amount for section 611(c) of the Act shall be equal  
 24 to the amount available for that section during fiscal year

(As affected by the re-authorization of the  
 Individuals with Disabilities Education Improvement  
 Act of 2004)

1 2004, increased by the amount of inflation as specified  
2 in section 611(f)(1)(B)(ii) of the Act.

3 REHABILITATION SERVICES AND DISABILITY RESEARCH

4 For carrying out, to the extent not otherwise pro-  
5 vided, the Rehabilitation Act of 1973, the Assistive Tech-  
6 nology Act of 1998 ("the AT Act"), and the Helen Keller  
7 National Center Act, \$3,076,112,000, of which  
8 \$1,000,000 shall be awarded to the American Academy  
9 of Orthotists and Prosthetists for activities that further  
10 the purposes of the grant received by the Academy for the  
11 period beginning October 1, 2003, including activities to  
12 meet the demand for orthotic and prosthetic provider serv-  
13 ices and improve patient care: *Provided*, That

14 \$30,000,000 shall be used for carrying out the AT Act,

4,420,760) 15 including ~~\$4,421,000~~ for State grants for protection and  
16 advocacy under section 5 of the AT Act and \$4,055,000

17 shall be for alternative financing programs: *Provided fur-*

18 *ther*, That the Federal share of grants for alternative fi-

19 nancing programs under section 4(b)(2)(D) of the AT Act

20 shall not exceed 75 percent, and the requirements in sec-

21 tion 301(c)(2) and section 302 of the AT Act (as in effect

22 on the day before the date of enactment of the Assistive

23 Technology Act of 2004) shall not apply to such grants:

24 *Provided further*, That \$7,030,000 of the funds for section

25 303 of the Rehabilitation Act of 1973 shall be available

(as in effect prior to the enactment of the  
Individuals with Disabilities Education Improvement  
Act of 2004)

1 for the projects and in the amounts specified in the state-  
2 ment of the managers of the conference report accom-  
3 panying this Act.

4 SPECIAL INSTITUTIONS FOR PERSONS WITH  
5 DISABILITIES

6 AMERICAN PRINTING HOUSE FOR THE BLIND

7 For carrying out the Act of March 3, 1879, as  
8 amended (20 U.S.C. 101 et seq.), \$17,000,000.

9 NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

10 For the National Technical Institute for the Deaf  
11 under titles I and II of the Education of the Deaf Act  
12 of 1986 (20 U.S.C. 4301 et seq.), \$55,790,000, of which  
13 \$1,685,000 shall be for construction and shall remain  
14 available until expended: *Provided*, That from the total  
15 amount available, the Institute may at its discretion use  
16 funds for the endowment program as authorized under  
17 section 207.

18 GALLAUDET UNIVERSITY

19 For the Kendall Demonstration Elementary School,  
20 the Model Secondary School for the Deaf, and the partial  
21 support of Gallaudet University under titles I and II of  
22 the Education of the Deaf Act of 1986 (20 U.S.C. 4301  
23 et seq.), \$105,400,000: *Provided*, That from the total  
24 amount available, the University may at its discretion use  
25 funds for the endowment program as authorized under  
26 section 207.

## 1 VOCATIONAL AND ADULT EDUCATION

2 For carrying out, to the extent not otherwise pro-  
3 vided, the Carl D. Perkins Vocational and Technical Edu-  
4 cation Act of 1998, the Adult Education and Family Lit-  
5 eracy Act, and subparts 4 and 11 of part D of title V  
6 of the Elementary and Secondary Education Act of 1965  
7 (“ESEA”), \$2,027,166,000, of which \$1,226,404,000  
8 shall become available on July 1, 2005 and shall remain  
9 available through September 30, 2006 and of which  
10 \$791,000,000 shall become available on October 1, 2005  
11 and shall remain available through September 30, 2006:  
12 *Provided*, That of the amount provided for Adult Edu-  
13 cation State Grants, \$69,135,000 shall be made available  
14 for integrated English literacy and civics education serv-  
15 ices to immigrants and other limited English proficient  
16 populations: *Provided further*, That of the amount re-  
17 served for integrated English literacy and civics education,  
18 notwithstanding section 211 of the Adult Education and  
19 Family Literacy Act, 65 percent shall be allocated to  
20 States based on a State’s absolute need as determined by  
21 calculating each State’s share of a 10-year average of the  
22 Immigration and Naturalization Service data for immi-  
23 grants admitted for legal permanent residence for the 10  
24 most recent years, and 35 percent allocated to States that  
25 experienced growth as measured by the average of the 3



1 most recent years for which Immigration and Naturaliza-  
2 tion Service data for immigrants admitted for legal perma-  
3 nent residence are available, except that no State shall be  
4 allocated an amount less than \$60,000: *Provided further,*  
5 That of the amounts made available for the Adult Edu-  
6 cation and Family Literacy Act, \$9,169,000 shall be for  
7 national leadership activities under section 243 and  
8 \$6,692,000 shall be for the National Institute for Literacy  
9 under section 242: *Provided further,* That \$100,238,000  
10 shall be available to carry out part D of title V of the  
11 ESEA: *Provided further,* That \$95,238,000 shall be avail-  
12 able to support the activities authorized under subpart 4  
13 of part D of title V of the Elementary and Secondary Edu-  
14 cation Act of 1965, of which up to 5 percent shall become  
15 available October 1, 2004 and shall remain available  
16 through September 30, 2006, for evaluation, technical as-  
17 sistance, school networking, peer review of applications,  
18 and program outreach activities, and of which not less  
19 than 95 percent shall become available on July 1, 2005,  
20 and remain available through September 30, 2006, for  
21 grants to local educational agencies: *Provided further,*  
22 That funds made available to local education agencies  
23 under this subpart shall be used only for activities related  
24 to establishing smaller learning communities in high  
25 schools.

## 1                   STUDENT FINANCIAL ASSISTANCE

2           For carrying out subparts 1, 3 and 4 of part A, part  
3 C and part E of title IV of the Higher Education Act of  
4 1965, as amended, \$14,380,795,000, which shall remain  
5 available through September 30, 2006.

6           The maximum Pell Grant for which a student shall  
7 be eligible during award year 2005–2006 shall be \$4,050.

## 8                   STUDENT AID ADMINISTRATION

9           For Federal administrative expenses (in addition to  
10 funds made available under section 458), to carry out part  
11 D of title I, and subparts 1, 3, and 4 of part A, and parts  
12 B, C, D and E of title IV of the Higher Education Act  
13 of 1965, as amended, \$120,247,000.

## 14                   HIGHER EDUCATION

15           For carrying out, to the extent not otherwise pro-  
16 vided, section 121 and titles II, III, IV, V, VI, and VII  
17 of the Higher Education Act of 1965 (“HEA”), as amend-  
18 ed, section 1543 of the Higher Education Amendments  
19 of 1992, the Mutual Educational and Cultural Exchange  
20 Act of 1961, title VIII of the Higher Education Amend-  
21 ments of 1998, and section 117 of the Carl D. Perkins  
22 Vocational and Technical Education Act, \$2,134,269,000,  
23 of which \$1,500,000 for interest subsidies authorized by  
24 section 121 of the HEA shall remain available until ex-  
25 pended: *Provided*, That \$9,876,000, to remain available

1 through September 30, 2006, shall be available to fund  
2 fellowships for academic year 2006–2007 under part A,  
3 subpart 1 of title VII of said Act, under the terms and  
4 conditions of part A, subpart 1: *Provided further*, That  
5 notwithstanding any other provision of law or any regula-  
6 tion, the Secretary of Education shall not require the use  
7 of a restricted indirect cost rate for grants issued pursuant  
8 to section 117 of the Carl D. Perkins Vocational and  
9 Technical Education Act of 1998: *Provided further*, That  
10 \$988,000 is for data collection and evaluation activities  
11 for programs under the HEA, including such activities  
12 needed to comply with the Government Performance and  
13 Results Act of 1993: *Provided further*, That notwith-  
14 standing any other provision of law, funds made available  
15 in this Act to carry out title VI of the HEA and section  
16 102(b)(6) of the Mutual Educational and Cultural Ex-  
17 change Act of 1961 may be used to support visits and  
18 study in foreign countries by individuals who are partici-  
19 pating in advanced foreign language training and inter-  
20 national studies in areas that are vital to United States  
21 national security and who plan to apply their language  
22 skills and knowledge of these countries in the fields of gov-  
23 ernment, the professions, or international development:  
24 *Provided further*, That of the funds referred to in the pre-  
25 ceding proviso up to one percent may be used for program

1 evaluation, national outreach, and information dissemina-  
2 tion activities and \$1,500,000 shall be used for a contract  
3 with the National Research Council to carry out an inde-  
4 pendent review of title VI international education and for-  
5 eign language studies and the section 102(b)(6) Fulbright-  
6 Hays programs: *Provided further*, That the funds provided  
7 for title II of the HEA shall be allocated notwithstanding  
8 section 210 of such Act: *Provided further*, That  
9 \$146,360,000 of the funds for part B of title VII of the  
10 Higher Education Act of 1965 shall be available for the  
11 projects and in the amounts specified in the statement of  
12 the managers of the conference report accompanying this  
13 Act.

14 HOWARD UNIVERSITY

15 For partial support of Howard University (20 U.S.C.  
16 121 et seq.), \$240,715,000, of which not less than  
17 \$3,552,000 shall be for a matching endowment grant pur-  
18 suant to the Howard University Endowment Act (Public  
19 Law 98-480) and shall remain available until expended.

20 COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS

21 PROGRAM

22 For Federal administrative expenses authorized  
23 under section 121 of the Higher Education Act of 1965,  
24 \$578,000 to carry out activities related to existing facility

1 loans entered into under the Higher Education Act of  
2 1965.

3 HISTORICALLY BLACK COLLEGE AND UNIVERSITY  
4 CAPITAL FINANCING PROGRAM ACCOUNT

5 The aggregate principal amount of outstanding bonds  
6 insured pursuant to section 344 of title III, part D of the  
7 Higher Education Act of 1965, shall not exceed  
8 \$357,000,000, and the cost, as defined in section 502 of  
9 the Congressional Budget Act of 1974, of such bonds shall  
10 not exceed zero.

11 For administrative expenses to carry out the Histori-  
12 cally Black College and University Capital Financing Pro-  
13 gram entered into pursuant to title III, part D of the  
14 Higher Education Act of 1965, as amended, \$212,000.

15 INSTITUTE OF EDUCATION SCIENCES

16 For carrying out activities authorized by the Edu-  
17 cation Sciences Reform Act of 2002, as amended, The Na-  
18 tional Assessment of Educational Progress Authorization  
19 Act, and section 208 of the Educational Technical Assist-  
20 ance Act of 2002, \$527,453,000: *Provided*, That, of the  
21 amount appropriated, \$190,518,000 shall be available for  
22 obligation until September 30, 2006: *Provided further*,  
23 That \$83,774,000 shall be for research and innovation in  
24 special education authorized under section 177 of the  
25 Education Science Reform Act, as amended: *Provided fur-*

1 *ther*, That \$10,623,000 of the funds for section 177 of  
2 the Act shall be available for the projects and in the  
3 amounts specified in the statement of the managers of the  
4 conference report accompanying this Act.

5 DEPARTMENTAL MANAGEMENT

6 PROGRAM ADMINISTRATION

7 For carrying out, to the extent not otherwise pro-  
8 vided, the Department of Education Organization Act, in-  
9 cluding rental of conference rooms in the District of Co-  
10 lumbia and hire of three passenger motor vehicles,  
11 \$423,379,000.

12 OFFICE FOR CIVIL RIGHTS

13 For expenses necessary for the Office for Civil  
14 Rights, as authorized by section 203 of the Department  
15 of Education Organization Act, \$90,248,000.

16 OFFICE OF THE INSPECTOR GENERAL

17 For expenses necessary for the Office of the Inspector  
18 General, as authorized by section 212 of the Department  
19 of Education Organization Act, \$47,790,000.

20 GENERAL PROVISIONS

21 SEC. 301. No funds appropriated in this Act may be  
22 used for the transportation of students or teachers (or for  
23 the purchase of equipment for such transportation) in  
24 order to overcome racial imbalance in any school or school  
25 system, or for the transportation of students or teachers  
26 (or for the purchase of equipment for such transportation)

1 in order to carry out a plan of racial desegregation of any  
2 school or school system.

3 SEC. 302. None of the funds contained in this Act  
4 shall be used to require, directly or indirectly, the trans-  
5 portation of any student to a school other than the school  
6 which is nearest the student's home, except for a student  
7 requiring special education, to the school offering such  
8 special education, in order to comply with title VI of the  
9 Civil Rights Act of 1964. For the purpose of this section  
10 an indirect requirement of transportation of students in-  
11 cludes the transportation of students to carry out a plan  
12 involving the reorganization of the grade structure of  
13 schools, the pairing of schools, or the clustering of schools,  
14 or any combination of grade restructuring, pairing or clus-  
15 tering. The prohibition described in this section does not  
16 include the establishment of magnet schools.

17 SEC. 303. No funds appropriated under this Act may  
18 be used to prevent the implementation of programs of vol-  
19 untary prayer and meditation in the public schools.

20 (TRANSFER OF FUNDS)

21 SEC. 304. Not to exceed 1 percent of any discre-  
22 tionary funds (pursuant to the Balanced Budget and  
23 Emergency Deficit Control Act of 1985, as amended)  
24 which are appropriated for the Department of Education  
25 in this Act may be transferred between appropriations, but  
26 no such appropriation shall be increased by more than 3

1 percent by any such transfer: *Provided*, That the Appro-  
2 priations Committees of both Houses of Congress are noti-  
3 fied at least 15 days in advance of any transfer.

4 SEC. 305. Section 8002(m) of the Elementary and  
5 Secondary Education Act of 1965 (20 U.S.C. 7702(m))  
6 is amended by striking “5 years” each place it appears  
7 and inserting “7 years”.

8 SEC. 306. (a) Section 167 of division H of the Con-  
9 solidated Appropriations Act, 2004 (Public Law 108–199;  
10 118 Stat. 3) is amended by striking “\$200,000, for West-  
11 ern Maine Technical College, South Paris, Maine, for edu-  
12 cation programs and marketing activities” and inserting  
13 “\$200,000, for Central Maine Community College, Au-  
14 burn, Maine, for education programs, student recruitment  
15 and marketing activities at the Central Maine Community  
16 College-Western Maine University and Community College  
17 Center in South Paris, Maine”.

18 (b) In the statement of the managers of the com-  
19 mittee of conference accompanying H.R. 2673 (Public  
20 Law 108–199; House Report 108–401), in the matter in  
21 title III of division E, relating to the Fund for the Im-  
22 provement of Education under the heading “Innovation  
23 and Improvement” the provision specifying \$300,000 for  
24 the Provo City Public Schools, Provo, Utah, to develop,  
25 purchase and implement an English language instruc-



1 tional program for training and certifying ESL teachers  
2 shall be deemed to read as follows: “Provo City Public  
3 Schools, Provo, Utah, for an English language instruc-  
4 tional program, \$300,000”.

5 This title may be cited as the “Department of Edu-  
6 cation Appropriations Act, 2005”.

#### 7 TITLE IV—RELATED AGENCIES

##### 8 ARMED FORCES RETIREMENT HOME

9 For expenses necessary for the Armed Forces Retire-  
10 ment Home to operate and maintain the Armed Forces  
11 Retirement Home—Washington and the Armed Forces  
12 Retirement Home—Gulfport, to be paid from funds avail-  
13 able in the Armed Forces Retirement Home Trust Fund,  
14 \$61,624,000, of which \$4,000,000 shall remain available  
15 until expended for construction and renovation of the  
16 physical plants at the Armed Forces Retirement Home—  
17 Washington and the Armed Forces Retirement Home—  
18 Gulfport.

#### 19 COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE

##### 20 BLIND OR SEVERELY DISABLED

21 For expenses necessary of the Committee for Pur-  
22 chase From People Who Are Blind or Severely Disabled  
23 established by Public Law 92-28, \$4,707,000.

insert 900

insert 9/15

Sec. 307. Notwithstanding any other provision of law, students from the Republic of the Marshall Islands and the Federated States of Micronesia enrolled in institutions in the Republic of Palau shall be eligible for grants under subpart 1 of part A of title IV of the Higher Education Act of 1965 to the extent such grants continue to be available to students from the Republic of the Marshall Islands and the Federated States of Micronesia who are attending institutions in the United States.

1 CORPORATION FOR NATIONAL AND COMMUNITY SERVICE  
2 DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING  
3 EXPENSES

4 For expenses necessary for the Corporation for Na-  
5 tional and Community Service to carry out the provisions  
6 of the Domestic Volunteer Service Act of 1973, as amend-  
7 ed, \$356,598,000: *Provided*, That none of the funds made  
8 available to the Corporation for National and Community  
9 Service in this Act for activities authorized by section 122  
10 of Part C of Title I and Part E of Title II of the Domestic  
11 Volunteer Service Act of 1973 shall be used to provide  
12 stipends or other monetary incentives to volunteers or vol-  
13 unteer leaders whose incomes exceed 125 percent of the  
14 national poverty level.

15 CORPORATION FOR PUBLIC BROADCASTING

16 For payment to the Corporation for Public Broad-  
17 casting, as authorized by the Communications Act of  
18 1934, an amount which shall be available within limita-  
19 tions specified by that Act, for the fiscal year 2007,  
20 \$400,000,000: *Provided*, That no funds made available to  
21 the Corporation for Public Broadcasting by this Act shall  
22 be used to pay for receptions, parties, or similar forms  
23 of entertainment for Government officials or employees:  
24 *Provided further*, That none of the funds contained in this  
25 paragraph shall be available or used to aid or support any

1 program or activity from which any person is excluded,  
2 or is denied benefits, or is discriminated against, on the  
3 basis of race, color, national origin, religion, or sex: *Pro-*  
4 *vided further*, That for fiscal year 2005, in addition to the  
5 amounts provided above, \$39,705,000 shall be for costs  
6 related to digital program production, development, and  
7 distribution, associated with the transition of public broad-  
8 casting to digital broadcasting, to be awarded as deter-  
9 mined by the Corporation in consultation with public radio  
10 and television licensees or permittees, or their designated  
11 representatives: *Provided further*, That for fiscal year  
12 2005, in addition to the amounts provided above,  
13 \$40,000,000 shall be for the costs associated with replace-  
14 ment and upgrade of the public television interconnection  
15 system: *Provided further*, That none of the funds made  
16 available to the Corporation for Public Broadcasting by  
17 this Act, Public Law 108–199 or Public Law 108–7, shall  
18 be used to support the Television Future Fund or any  
19 similar purpose.

20 FEDERAL MEDIATION AND CONCILIATION SERVICE

21 SALARIES AND EXPENSES

22 For expenses necessary for the Federal Mediation  
23 and Conciliation Service to carry out the functions vested  
24 in it by the Labor Management Relations Act, 1947 (29  
25 U.S.C. 171–180, 182–183), including hire of passenger

1 motor vehicles; for expenses necessary for the Labor-Man-  
2 agement Cooperation Act of 1978 (29 U.S.C. 175a); and  
3 for expenses necessary for the Service to carry out the  
4 functions vested in it by the Civil Service Reform Act,  
5 Public Law 95-454 (5 U.S.C. ch. 71), \$44,797,000, in-  
6 cluding \$1,500,000, to remain available through Sep-  
7 tember 30, 2006, for activities authorized by the Labor-  
8 Management Cooperation Act of 1978 (29 U.S.C. 175a):  
9 *Provided*, That notwithstanding 31 U.S.C. 3302, fees  
10 charged, up to full-cost recovery, for special training ac-  
11 tivities and other conflict resolution services and technical  
12 assistance, including those provided to foreign govern-  
13 ments and international organizations, and for arbitration  
14 services shall be credited to and merged with this account,  
15 and shall remain available until expended: *Provided fur-*  
16 *ther*, That fees for arbitration services shall be available  
17 only for education, training, and professional development  
18 of the agency workforce: *Provided further*, That the Direc-  
19 tor of the Service is authorized to accept and use on behalf  
20 of the United States gifts of services and real, personal,  
21 or other property in the aid of any projects or functions  
22 within the Director's jurisdiction.

1       FEDERAL MINE SAFETY AND HEALTH REVIEW

2                       COMMISSION

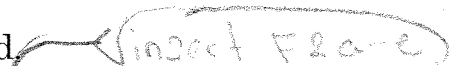
3                       SALARIES AND EXPENSES

4       For expenses necessary for the Federal Mine Safety  
5 and Health Review Commission (30 U.S.C. 801 et seq.),  
6 \$7,872,000.

7       INSTITUTE OF MUSEUM AND LIBRARY SERVICES

8       OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS

9                       AND ADMINISTRATION

10       For carrying out the Museum and Library Services  
11 Act of 1996, \$282,827,000, to remain available until ex-  
12 pended. 

13       MEDICARE PAYMENT ADVISORY COMMISSION

14                       SALARIES AND EXPENSES

15       For expenses necessary to carry out section 1805 of  
16 the Social Security Act, \$9,979,000, to be transferred to  
17 this appropriation from the Federal Hospital Insurance  
18 and the Federal Supplementary Medical Insurance Trust  
19 Funds.

20       NATIONAL COMMISSION ON LIBRARIES AND

21                       INFORMATION SCIENCE

22                       SALARIES AND EXPENSES

23       For necessary expenses for the National Commission  
24 on Libraries and Information Science, established by the

Added, That of the amount provided,

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\$100,000 shall be awarded to Academy of Natural Sciences, Philadelphia, Pennsylvania, for exhibits and programming associated with the Lewis and Clark expedition, \$300,000 shall be awarded to Alaska Native Heritage Museum, Anchorage, AK in cooperation with the Koahnic Broadcasting Corporation for its Elders Oral History Project, \$50,000 shall be awarded to Alex Haley House and Museum, Henning, TN to preserve collections and improve exhibits, \$100,000 shall be awarded to Allegheny County, Pittsburgh, Pennsylvania for exhibit design and development, \$100,000 shall be awarded to Allentown Public Library, Allentown, Pennsylvania, for technological upgrades and educational programs, \$400,000 shall be awarded to AMISTAD America, Inc., New Haven, Connecticut, for an endowment fund as authorized under P. L. 108-184, \$320,000 shall be awarded to Amistad Research Center, Tulane University, New Orleans, Louisiana, for faculty research fellowship and student internship programs, \$50,000 shall be awarded to Anniston Museum of Natural History, Anniston, Alabama, for enhanced classroom curriculum, \$100,000 shall be awarded to Antiquarian & Landmarks Society, Hartford, Connecticut, for the Nathan Hale Homestead in Coventry, \$100,000 shall be awarded to Arab Community Center for Economic and Social Services (ACCESS), Dearborn, Michigan, for exhibits and museum programs, \$75,000 shall be awarded to Athenaeum of Philadelphia, Philadelphia, Pennsylvania, for conservation and preservation of library materials, \$75,000 shall be awarded to Audubon Pennsylvania, Audubon, Pennsylvania, for exhibits and nature education programs at the Mill Grove Audubon Center, \$200,000 shall be awarded to Autry National Center, Los Angeles, California, for exhibits, education programs and outreach at its Southwest Museum of the American Indian and/or its Museum of the American West, \$200,000 shall be awarded to Baylor University, Waco, Texas, for archival activities, exhibits, and education programs for the Mayborn Museum Complex, \$500,000 shall be awarded to Beth Medrash Govoha, Lakewood, New Jersey, for equipment, exhibits and preservation of collections, \$125,000 shall be awarded to Bibliographical Society of America, New York, New York, \$500,000 shall be awarded to Bishop Museum in Hawaii for digitization of old Hawaiian language newspapers and other activities to preserve the culture of Native Hawaiians, \$100,000 shall be awarded to Boys and Girls Harbor, New York, New York, for the preservation and digitalization of Raices Collection, a multi-media collection documenting the history of Afro-Caribbean Latin music in America, \$75,000 shall be awarded to Brooklyn Academy of Music, Brooklyn, New York, for preservation and management of its archives, \$50,000 shall be awarded to Business Association of West Parkside, Philadelphia, Pennsylvania to exhibit the Negro Leagues Baseball Memorial, \$200,000 shall be awarded to Canton Museum of Art, Canton, Ohio, to develop and implement the HeARTland program, \$100,000 shall be awarded to Cape Cod Maritime Museum, Hyannis, Massachusetts for the development of exhibitions and programs, \$100,000 shall be awarded to Carnegie Museums of Pittsburgh, Pittsburgh, Pennsylvania, for preservation of collections at the Carnegie Museum of Natural History, \$25,000 shall be awarded to Catawba County Historical Association, Newton, North Carolina, \$200,000 shall be awarded to Chaldean Community Culture Center, West Bloomfield, Michigan, for programs that promote Chaldean language, history, culture and teacher training, \$400,000 shall be awarded to Charles H. Wright Museum of African American History, Detroit, Michigan, for exhibits, education programs, technology and operations, \$84,000 shall be awarded to Cherry Hill Township in New Jersey for improved library

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technology, \$150,000 shall be awarded to Chicago Historical Society, Chicago, Illinois for expansion of the Chicago Historical Society's collections and exhibits, \$200,000 shall be awarded to Children's Museum in Oak Lawn, Oak Lawn, Illinois, for its "Explore and Soar" education program, \$100,000 shall be awarded to City of Henderson, North Carolina, for personnel, equipment and technology for the H. Leslie Perry Memorial Library, \$200,000 shall be awarded to City of Jackson, Mississippi for the Medger Wiley Evers Museum for program and exhibit design and development, \$250,000 shall be awarded to City of Jackson, TN to support technology upgrades at the Jackson-Madison County Public Library, \$150,000 shall be awarded to City of Murrieta Public Library, Murrieta, California, for a Literacy thru Technology Program, \$500,000 shall be awarded to Claude Pepper Center in Tallahassee, Florida for the digitization of library holdings, \$100,000 shall be awarded to College of Physicians of Philadelphia, Philadelphia, Pennsylvania, to preserve its medical library and art collection, \$50,000 shall be awarded to Colleton County Memorial Library, Walterboro, South Carolina, for books and library materials, \$76,000 shall be awarded to Columbus Museum of Art, Columbus, Ohio, to develop, test, and fabricate the exhibition, train teachers and docents and publicize the project and produce related educational materials, \$72,000 shall be awarded to Contra Costa County, Martinez, California, for the Contra Costa Reads program, \$300,000 shall be awarded to Currier Museum of Art, Manchester, New Hampshire for educational programs and community outreach, \$825,000 shall be awarded to Des Moines Arts Center for the protection of the current collection, \$500,000 shall be awarded to East Tennessee Historical Society, Knoxville, Tennessee, to expand and develop exhibits that teach of the culture and history of East Tennessee, \$30,000 shall be awarded to Edison House Museum, Louisville, Kentucky, for educational programs, \$100,000 shall be awarded to Everhart Museum, Scranton, Pennsylvania, \$430,000 shall be awarded to Experience Music Project in Seattle, Washington for an Oral History Program, \$100,000 shall be awarded to Fairfax County Public Library, Fairfax, VA , for its Motherread/Fatheread Plus family literacy initiative, \$800,000 shall be awarded to Field Museum, Chicago, Illinois for establishing networked computer database for collections management, \$100,000 shall be awarded to Fine Arts Museums of San Francisco for the De Young Museum's Art Education Program, \$275,000 shall be awarded to Florence Library Learning Center, Los Angeles, California, for reading and other education programs, \$650,000 shall be awarded to Florida International Museum, St. Petersburg, Florida, for professional activities, \$500,000 shall be awarded to Folger Library, Washington, D.C., for exhibits, operations, and public programs including education and outreach, \$50,000 shall be awarded to Frederick Douglass Museum, Washington, D.C., for an African American cultural outreach center, \$75,000 shall be awarded to Free Library of Philadelphia, Philadelphia, Pennsylvania, for technology and equipment upgrades, \$350,000 shall be awarded to George Washington University, Washington, D.C., for the Eleanor Roosevelt Papers Project, \$12,000 shall be awarded to Greenburgh Public Library, Tarrytown, New York, for computers and technology, \$50,000 shall be awarded to Greensburg Hempfield Area Public Library, Greensburg, Pennsylvania for computers, \$500,000 shall be awarded to Grout Museum, Waterloo, IA, for exhibitions, \$200,000 shall be awarded to Harbor Heritage Society, Cleveland, Ohio, for MassachusettsKING WashingtonVES: Vessel-wide interpretive exhibit planning for

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the Steamship William G. Mather Maritime Museum, \$250,000 shall be awarded to HealthSpace Cleveland, Cleveland, Ohio for exhibits, \$75,000 shall be awarded to Hellenic Cultural Association, Salt Lake City, UT, for exhibit and program development at the Hellenic Cultural Museum, \$150,000 shall be awarded to Hendry County, LaBelle, FL, for books and technology for Harlem Library, \$500,000 shall be awarded to Hesperia Community Library, Hesperia, California, \$75,000 shall be awarded to Historical Society of Western Pennsylvania, Pittsburgh, Pennsylvania for exhibit and curriculum development for the Western Pennsylvania Sports Museum, \$75,000 shall be awarded to HistoryMakers, Chicago, Illinois, to create a digital archive dedicated to preserving the history and accomplishments of African Americans, \$150,000 shall be awarded to Home Port Alliance for the USS New Jersey for restoration and preservation, \$100,000 shall be awarded to Hopkinsville-Christian County Public Library, Hopkinsville, Kentucky, \$250,000 shall be awarded to Hunter College, New York, New York, to digitize, preserve and archive collections of the Center for Puerto Rican Studies and for public access and dissemination activities, \$300,000 shall be awarded to Huntsville Museum of Art, Huntsville, Alabama, for exhibits, technology, outreach and education programs, \$300,000 shall be awarded to International Museum of Women, San Francisco, California, for education and teacher professional development programs, \$75,000 shall be awarded to Iona College, New York, for technology upgrade for the Ryan Library, \$150,000 shall be awarded to Italian-American Cultural Center of Iowa in Des Moines, IA for exhibits, multi-media collections, display, \$72,000 shall be awarded to Jackson County Library System, Ripley, WV, \$415,000 shall be awarded to James Ford Bell Museum of Natural History, University of Minnesota, Minneapolis, MN, for exhibits and education programs, \$350,000 shall be awarded to Johnstown Area Heritage Association, Johnstown, Pennsylvania, for exhibits and education programs for the Heritage Discovery Center, \$25,000 shall be awarded to Josephine School Community Museum, Berryville, Virginia, \$400,000 shall be awarded to Kansas State University, Manhattan, KS for the 20th Century Soldier Project, \$250,000 shall be awarded to Kidspace Children's Museum, Pasadena, California, to develop its Shake Zone Education Exhibit, \$100,000 shall be awarded to Lafayette College, Easton, Pennsylvania, for technology updates to the David Bishop Skillman Library, \$50,000 shall be awarded to Livingston Parish Hungarian Museum, Denham Springs, Louisiana, \$500,000 shall be awarded to Maltz Museum of Jewish Heritage, Beachwood, Ohio, for a Cradle of Christianity: Biblical Treasures from the Holy Land traveling exhibition, \$250,000 shall be awarded to MAPS Air Museum, North Canton, Ohio, to develop educational displays, upkeep of current displays, library expansion, historical research and operation expenses, \$100,000 shall be awarded to Mauch Chunk Historical Society of Carbon County, Jim Thorpe, Pennsylvania, ~~Federal funding will allow the Mauch Chunk and Opera House to address important historic preservation as well as modern advancements, including structural repair and roof replacement,~~ \$500,000 shall be awarded to Memphis Zoo, Memphis, Tennessee to develop exhibits and support student programs, \$400,000 shall be awarded to Miami Museum of Science & Space Transit Planetarium, Miami, Florida, for exhibits, outreach, and education programs, \$200,000 shall be awarded to Mid-Hudson Children's Museum, Poughkeepsie, New York, for a Comprehensive Technology Enrichment Program to enhance exhibits, \$40,000 shall be awarded to Milford Area Historical Society, Milford, Ohio, for the Promont House Museum,

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\$450,000 shall be awarded to Milton J. Rubenstein Museum of Science and Technology, Syracuse, New York, \$1,540,000 shall be awarded to Missouri Historical Society, St. Louis, Missouri, for the establishment and maintenance of an archive for materials relating to the Congressional career of the Honorable Richard A. Gephardt, \$260,000 shall be awarded to Mount Vernon Public Library, Mount Vernon, New York for operations and upgrades, \$100,000 shall be awarded to Mt. San Antonio College, Walnut, California for equipment, \$500,000 shall be awarded to Museum of Appalachia, Norris, Tennessee to preserve and restore the collection of Appalachian pioneer artifacts, \$250,000 shall be awarded to Museum of Aviation Foundation, Warner Robins, Georgia, \$200,000 shall be awarded to Museum of Fine Arts, Boston, Massachusetts, for the development of exhibitions and programs, \$600,000 shall be awarded to Museum of Flight in Seattle, Washington to ~~construct~~ the American Fighter Aces Archive and Collection, \$250,000 shall be awarded to Museum of Science and Industry, Chicago, Illinois, for the Science in Your World Program, \$500,000 shall be awarded to Museum of Science, Boston, Massachusetts for community outreach, exhibit design and development, and educational programs, \$75,000 shall be awarded to National Center for American Revolution, Wayne, Pennsylvania, for exhibit design and curriculum development for the Museum of the American Revolution at Valley Forge National Historic Park, \$100,000 shall be awarded to National City Public Library, National City, California, for collections and technology, \$950,000 shall be awarded to National D-Day Museum in New Orleans, Louisiana to improve the education, outreach, and exhibition of the museum, \$100,000 shall be awarded to National Museum of American Jewish History, Philadelphia, Pennsylvania to develop a fully interactive learning center ~~linked~~ to their web site that will extend the reach of the Museum, \$1,000,000 shall be awarded to National Museum of Women in the Arts, Washington, D.C., \$750,000 shall be awarded to National Trust for Historic Preservation, Washington, D.C., for the Farnsworth House Museum in Plano, Illinois, \$2,100,000 shall be awarded to Native American Cultural Center and Museum, Oklahoma City, Oklahoma, \$500,000 shall be awarded to New York Botanical Garden, Bronx, New York, for the Virtual Herbarium Project, \$1,000,000 shall be awarded to New York Hall of Science to develop, expand, and display science-related materials, \$90,000 shall be awarded to North Carolina Museum of Art Foundation, Inc., Raleigh, North Carolina, for exhibits and education programs, \$1,000,000 shall be awarded to Omaha Performing Arts Center in Nebraska for telecommunications systems, \$100,000 shall be awarded to Pennsylvania Hunting & Fishing Museum, Warren, Pennsylvania to develop curriculum for conservation education, \$200,000 shall be awarded to Pittsburgh Children's Museum, Pittsburgh, Pennsylvania, to expand arts and after-school programs for at-risk children, \$950,000 shall be awarded to Please Touch Museum, Philadelphia, Pennsylvania, to develop educational programs focusing on hands-on learning experiences, \$320,000 shall be awarded to Portland State University, Portland, Oregon, to enhance library collections and outreach in the area of Middle Eastern and Judaic Studies, \$50,000 shall be awarded to Putnam County Library, Cookeville, Tennessee to improve exhibits and purchase technology upgrades, \$100,000 shall be awarded to Reading Company Technical and Historical Society, Inc., Reading, Pennsylvania to expand interpretive activities, \$550,000 shall be awarded to Rochester Museum & Science Center, Rochester, New York, for expansion of exhibitions, \$350,000 shall be awarded to Rock and Roll Hall of

for

linked

Fame and Museum, Cleveland, Ohio, for music education programs, \$200,000 shall be awarded to Saint Louis County Economic Council, Saint Louis, Missouri, for Jefferson Barracks, \$100,000 shall be awarded to Sam Davis Memorial Association, Smyrna, Tennessee, for interpretive exhibits and education programs for the Sam Davis Home, \$350,000 shall be awarded to San Bernardino County, San Bernardino, California for the San Bernardino County Museum, \$300,000 shall be awarded to Save the Speaker's House, Inc., Trappe, Pennsylvania, \$315,000 shall be awarded to Sci-Quest, The North Alabama Science Center, Huntsville, Alabama, for science and mathematics education programs, \$175,000 shall be awarded to Serra Cooperative Library System, San Diego, California, \$100,000 shall be awarded to Simon Wiesenthal Center's Los Angeles Museum for Tolerance, Los Angeles, California, for the Tools for Tolerance for Educators program to provide teacher training in diversity, tolerance and cooperation, \$50,000 shall be awarded to Smithtown Library, Smithtown, New York, for equipment and technology for its Virtual Worldwide Neighborhood Website Project, \$75,000 shall be awarded to Soldiers and Sailors National Military Museum and Memorial, Pittsburgh, Pennsylvania, for education and outreach programs, \$125,000 shall be awarded to Southwest Missouri State University, Springfield, Missouri, ~~to digitization of Archives and Rare-book Collections at the Meyer Library~~, \$250,000 shall be awarded to Stark County Park District, Canton, Ohio for exhibits, \$1,000,000 shall be awarded to State Historical Society of Iowa in Des Moines, Iowa for the development of exhibits for the World Food Prize, \$250,000 shall be awarded to Taft Museum of Art, Cincinnati, Ohio, \$600,000 shall be awarded to Tubman African American Museum, Macon, Georgia, \$250,000 shall be awarded to University of Alaska Fairbanks for the continuation of the Alaska Digital Archives project, \$250,000 shall be awarded to University of Vermont of Burlington, Vermont for a digitization project for the preservation of Vermont cultural heritage materials, \$500,000 shall be awarded to Vietnam Archives Center at Texas Tech University, Lubbock, Texas, for technology infrastructure, \$200,000 shall be awarded to Virginia Living Museum, Newport News, Virginia for science education, \$135,000 shall be awarded to Waterloo Center for the Arts, Waterloo, Iowa for the Youth Pavillion to provide educational programs and exhibit design and development, \$400,000 shall be awarded to Western Reserve Historical Society, Cleveland, Ohio, \$25,000 shall be awarded to William McKinley Presidential Library and Museum, Canton, Ohio, \$50,000 shall be awarded to Williamsburg County Library, Kingstree, South Carolina, for books, library materials and computers, \$250,000 shall be awarded to Winchester Conservation Museum, Edgefield, South Carolina, \$50,000 shall be awarded to Wisconsin Historical Society, Madison, WI, to catalog and microfilm military base papers, \$100,000 shall be awarded to Witte Museum, San Antonio, Texas, for the Water Works project, \$75,000 shall be awarded to Woodmere Art Museum, Philadelphia, Pennsylvania, for technology upgrades and education and outreach programs, \$500,000 shall be awarded to Woodrow Wilson Presidential Library, Staunton, Virginia, \$100,000 shall be awarded to World War II Victory Memorial Museum, Auburn, IN, and \$75,000 shall be awarded to Zimmer Children's Museum, Los Angeles, California, to develop and expand the youTHink education program.

for

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1 Act of July 20, 1970 (Public Law 91-345, as amended),  
2 \$1,001,000.

3 NATIONAL COUNCIL ON DISABILITY  
4 SALARIES AND EXPENSES

5 For expenses necessary for the National Council on  
6 Disability as authorized by title IV of the Rehabilitation  
7 Act of 1973, as amended, \$3,371,000.

8 NATIONAL LABOR RELATIONS BOARD  
9 SALARIES AND EXPENSES

10 For expenses necessary for the National Labor Rela-  
11 tions Board to carry out the functions vested in it by the  
12 Labor-Management Relations Act, 1947, as amended (29  
13 U.S.C. 141-167), and other laws, \$251,875,000: *Pro-*  
14 *vided*, That no part of this appropriation shall be available  
15 to organize or assist in organizing agricultural laborers or  
16 used in connection with investigations, hearings, direc-  
17 tives, or orders concerning bargaining units composed of  
18 agricultural laborers as referred to in section 2(3) of the  
19 Act of July 5, 1935 (29 U.S.C. 152), and as amended  
20 by the Labor-Management Relations Act, 1947, as amend-  
21 ed, and as defined in section 3(f) of the Act of June 25,  
22 1938 (29 U.S.C. 203), and including in said definition em-  
23 ployees engaged in the maintenance and operation of  
24 ditches, canals, reservoirs, and waterways when main-  
25 tained or operated on a mutual, nonprofit basis and at

1 least 95 percent of the water stored or supplied thereby  
2 is used for farming purposes.

3 NATIONAL MEDIATION BOARD

4 SALARIES AND EXPENSES

5 For expenses necessary to carry out the provisions  
6 of the Railway Labor Act, as amended (45 U.S.C. 151–  
7 188), including emergency boards appointed by the Presi-  
8 dent, \$11,722,000.

9 OCCUPATIONAL SAFETY AND HEALTH REVIEW

10 COMMISSION

11 SALARIES AND EXPENSES

12 For expenses necessary for the Occupational Safety  
13 and Health Review Commission (29 U.S.C. 661),  
14 \$10,595,000.

15 RAILROAD RETIREMENT BOARD

16 DUAL BENEFITS PAYMENTS ACCOUNT

17 For payment to the Dual Benefits Payments Ac-  
18 count, authorized under section 15(d) of the Railroad Re-  
19 tirement Act of 1974, \$108,000,000, which shall include  
20 amounts becoming available in fiscal year 2005 pursuant  
21 to section 224(c)(1)(B) of Public Law 98–76; and in addi-  
22 tion, an amount, not to exceed 2 percent of the amount  
23 provided herein, shall be available proportional to the  
24 amount by which the product of recipients and the average  
25 benefit received exceeds \$108,000,000: *Provided*, That the

1 total amount provided herein shall be credited in 12 ap-  
2 proximately equal amounts on the first day of each month  
3 in the fiscal year.

4 FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT  
5 ACCOUNTS

6 For payment to the accounts established in the  
7 Treasury for the payment of benefits under the Railroad  
8 Retirement Act for interest earned on unnegotiated  
9 checks, \$150,000, to remain available through September  
10 30, 2006, which shall be the maximum amount available  
11 for payment pursuant to section 417 of Public Law 98-  
12 76.

13 LIMITATION ON ADMINISTRATION

14 For necessary expenses for the Railroad Retirement  
15 Board for administration of the Railroad Retirement Act  
16 and the Railroad Unemployment Insurance Act,  
17 \$103,370,000, to be derived in such amounts as deter-  
18 mined by the Board from the railroad retirement accounts  
19 and from moneys credited to the railroad unemployment  
20 insurance administration fund.

21 LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

22 For expenses necessary for the Office of Inspector  
23 General for audit, investigatory and review activities, as  
24 authorized by the Inspector General Act of 1978, as  
25 amended, not more than \$7,254,000, to be derived from  
26 the railroad retirement accounts and railroad unemploy-

1 ment insurance account: *Provided*, That none of the funds  
2 made available in any other paragraph of this Act may  
3 be transferred to the Office; used to carry out any such  
4 transfer; used to provide any office space, equipment, of-  
5 fice supplies, communications facilities or services, mainte-  
6 nance services, or administrative services for the Office;  
7 used to pay any salary, benefit, or award for any personnel  
8 of the Office; used to pay any other operating expense of  
9 the Office; or used to reimburse the Office for any service  
10 provided, or expense incurred, by the Office.

11 SOCIAL SECURITY ADMINISTRATION

12 PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

13 For payment to the Federal Old-Age and Survivors  
14 Insurance and the Federal Disability Insurance trust  
15 funds, as provided under sections 201(m), 228(g), and  
16 1131(b)(2) of the Social Security Act, \$20,454,000.

17 SUPPLEMENTAL SECURITY INCOME PROGRAM

18 For carrying out titles XI and XVI of the Social Se-  
19 curity Act, section 401 of Public Law 92-603, section 212  
20 of Public Law 93-66, as amended, and section 405 of  
21 Public Law 95-216, including payment to the Social Secu-  
22 rity trust funds for administrative expenses incurred pur-  
23 suant to section 201(g)(1) of the Social Security Act,  
24 \$28,586,829,000, to remain available until expended: *Pro-*  
25 *vided*, That any portion of the funds provided to a State

1 in the current fiscal year and not obligated by the State  
2 during that year shall be returned to the Treasury.

3 For making, after June 15 of the current fiscal year,  
4 benefit payments to individuals under title XVI of the So-  
5 cial Security Act, for unanticipated costs incurred for the  
6 current fiscal year, such sums as may be necessary.

7 For making benefit payments under title XVI of the  
8 Social Security Act for the first quarter of fiscal year  
9 2006, \$10,930,000,000, to remain available until ex-  
10 pended.

11 LIMITATION ON ADMINISTRATIVE EXPENSES

12 For necessary expenses, including the hire of two pas-  
13 senger motor vehicles, and not to exceed \$15,000 for offi-  
14 cial reception and representation expenses, not more than  
15 \$8,674,296,000 may be expended, as authorized by sec-  
16 tion 201(g)(1) of the Social Security Act, from any one  
17 or all of the trust funds referred to therein: *Provided*, That  
18 not less than \$2,000,000 shall be for the Social Security  
19 Advisory Board: *Provided further*, That unobligated bal-  
20 ances of funds provided under this paragraph at the end  
21 of fiscal year 2005 not needed for fiscal year 2005 shall  
22 remain available until expended to invest in the Social Se-  
23 curity Administration information technology and tele-  
24 communications hardware and software infrastructure, in-  
25 cluding related equipment and non-payroll administrative  
26 expenses associated solely with this information technology



1 and telecommunications infrastructure: *Provided further*,  
2 That reimbursement to the trust funds under this heading  
3 for expenditures for official time for employees of the So-  
4 cial Security Administration pursuant to section 7131 of  
5 title 5, United States Code, and for facilities or support  
6 services for labor organizations pursuant to policies, regu-  
7 lations, or procedures referred to in section 7135(b) of  
8 such title shall be made by the Secretary of the Treasury,  
9 with interest, from amounts in the general fund not other-  
10 wise appropriated, as soon as possible after such expendi-  
11 tures are made.

12 In addition, \$124,000,000 to be derived from admin-  
13 istration fees in excess of \$5.00 per supplementary pay-  
14 ment collected pursuant to section 1616(d) of the Social  
15 Security Act or section 212(b)(3) of Public Law 93-66,  
16 which shall remain available until expended. To the extent  
17 that the amounts collected pursuant to such section  
18 1616(d) or 212(b)(3) in fiscal year 2005 exceed  
19 \$124,000,000, the amounts shall be available in fiscal year  
20 2006 only to the extent provided in advance in appropria-  
21 tions Acts.

22 In addition, up to \$3,600,000 to be derived from fees  
23 collected pursuant to section 303(c) of the Social Security  
24 Protection Act (Public Law 108-203), which shall remain  
25 available until expended.

1 From funds previously appropriated for Federal-  
2 State Partnerships, any unobligated balances at the end  
3 of fiscal year 2004 shall be transferred to the Supple-  
4 mental Security Income Program and remain available  
5 until expended to promote Medicare buy-in programs tar-  
6 geted to elderly and disabled individuals under titles  
7 XVIII and XIX of the Social Security Act.

8 OFFICE OF INSPECTOR GENERAL  
9 (INCLUDING TRANSFER OF FUNDS)

10 For expenses necessary for the Office of Inspector  
11 General in carrying out the provisions of the Inspector  
12 General Act of 1978, as amended, \$25,748,000, together  
13 with not to exceed \$65,359,000, to be transferred and ex-  
14 pended as authorized by section 201(g)(1) of the Social  
15 Security Act from the Federal Old-Age and Survivors In-  
16 surance Trust Fund and the Federal Disability Insurance  
17 Trust Fund.

18 In addition, an amount not to exceed 3 percent of  
19 the total provided in this appropriation may be transferred  
20 from the "Limitation on Administrative Expenses", Social  
21 Security Administration, to be merged with this account,  
22 to be available for the time and purposes for which this  
23 account is available: *Provided*, That notice of such trans-  
24 fers shall be transmitted promptly to the Committees on  
25 Appropriations of the House and Senate.

## 1 TITLE V—GENERAL PROVISIONS

2 SEC. 501. The Secretaries of Labor, Health and  
3 Human Services, and Education are authorized to transfer  
4 unexpended balances of prior appropriations to accounts  
5 corresponding to current appropriations provided in this  
6 Act: *Provided*, That such transferred balances are used for  
7 the same purpose, and for the same periods of time, for  
8 which they were originally appropriated.

9 SEC. 502. No part of any appropriation contained in  
10 this Act shall remain available for obligation beyond the  
11 current fiscal year unless expressly so provided herein.

12 SEC. 503. (a) No part of any appropriation contained  
13 in this Act shall be used, other than for normal and recog-  
14 nized executive-legislative relationships, for publicity or  
15 propaganda purposes, for the preparation, distribution, or  
16 use of any kit, pamphlet, booklet, publication, radio, tele-  
17 vision, or video presentation designed to support or defeat  
18 legislation pending before the Congress or any State legis-  
19 lature, except in presentation to the Congress or any State  
20 legislature itself.

21 (b) No part of any appropriation contained in this  
22 Act shall be used to pay the salary or expenses of any  
23 grant or contract recipient, or agent acting for such recipi-  
24 ent, related to any activity designed to influence legislation

1 or appropriations pending before the Congress or any  
2 State legislature.

3 SEC. 504. The Secretaries of Labor and Education  
4 are authorized to make available not to exceed \$28,000  
5 and \$20,000, respectively, from funds available for sala-  
6 ries and expenses under titles I and III, respectively, for  
7 official reception and representation expenses; the Direc-  
8 tor of the Federal Mediation and Conciliation Service is  
9 authorized to make available for official reception and rep-  
10 resentation expenses not to exceed \$5,000 from the funds  
11 available for "Salaries and expenses, Federal Mediation  
12 and Conciliation Service"; and the Chairman of the Na-  
13 tional Mediation Board is authorized to make available for  
14 official reception and representation expenses not to ex-  
15 ceed \$5,000 from funds available for "Salaries and ex-  
16 penses, National Mediation Board".

17 SEC. 505. Notwithstanding any other provision of  
18 this Act, no funds appropriated under this Act shall be  
19 used to carry out any program of distributing sterile nee-  
20 dles or syringes for the hypodermic injection of any illegal  
21 drug.

22 SEC. 506. When issuing statements, press releases,  
23 requests for proposals, bid solicitations and other docu-  
24 ments describing projects or programs funded in whole or  
25 in part with Federal money, all grantees receiving Federal

1 funds included in this Act, including but not limited to  
2 State and local governments and recipients of Federal re-  
3 search grants, shall clearly state—

4 (1) the percentage of the total costs of the pro-  
5 gram or project which will be financed with Federal  
6 money;

7 (2) the dollar amount of Federal funds for the  
8 project or program; and

9 (3) percentage and dollar amount of the total  
10 costs of the project or program that will be financed  
11 by non-governmental sources.

12 SEC. 507. (a) None of the funds appropriated under  
13 this Act, and none of the funds in any trust fund to which  
14 funds are appropriated under this Act, shall be expended  
15 for any abortion.

16 (b) None of the funds appropriated under this Act,  
17 and none of the funds in any trust fund to which funds  
18 are appropriated under this Act, shall be expended for  
19 health benefits coverage that includes coverage of abor-  
20 tion.

21 (c) The term “health benefits coverage” means the  
22 package of services covered by a managed care provider  
23 or organization pursuant to a contract or other arrange-  
24 ment.

1        SEC. 508. (a) The limitations established in the pre-  
2        ceding section shall not apply to an abortion—

3                (1) if the pregnancy is the result of an act of  
4        rape or incest; or

5                (2) in the case where a woman suffers from a  
6        physical disorder, physical injury, or physical illness,  
7        including a life-endangering physical condition  
8        caused by or arising from the pregnancy itself, that  
9        would, as certified by a physician, place the woman  
10       in danger of death unless an abortion is performed.

11       (b) Nothing in the preceding section shall be con-  
12       strued as prohibiting the expenditure by a State, locality,  
13       entity, or private person of State, local, or private funds  
14       (other than a State's or locality's contribution of Medicaid  
15       matching funds).

16       (c) Nothing in the preceding section shall be con-  
17       strued as restricting the ability of any managed care pro-  
18       vider from offering abortion coverage or the ability of a  
19       State or locality to contract separately with such a pro-  
20       vider for such coverage with State funds (other than a  
21       State's or locality's contribution of Medicaid matching  
22       funds).

23       (d)(1) None of the funds made available in this Act  
24       may be made available to a Federal agency or program,  
25       or to a State or local government, if such agency, program,

1 or government subjects any institutional or individual  
2 health care entity to discrimination on the basis that the  
3 health care entity does not provide, pay for, provide cov-  
4 erage of, or refer for abortions.

5 (2) In this subsection, the term "health care entity"  
6 includes an individual physician or other health care pro-  
7 fessional, a hospital, a provider-sponsored organization, a  
8 health maintenance organization, a health insurance plan,  
9 or any other kind of health care facility, organization, or  
10 plan.

11 SEC. 509. (a) The limitations established in the pre-  
12 ceding section shall not apply to an abortion—

13 (1) if the pregnancy is the result of an act of  
14 rape or incest; or

15 (2) in the case where a woman suffers from a  
16 physical disorder, physical injury, or physical illness,  
17 including a life-endangering physical condition  
18 caused by or arising from the pregnancy itself, that  
19 would, as certified by a physician, place the woman  
20 in danger of death unless an abortion is performed.

21 (b) Nothing in the preceding section shall be con-  
22 strued as prohibiting the expenditure by a State, locality,  
23 entity, or private person of State, local, or private funds  
24 (other than a State's or locality's contribution of Medicaid  
25 matching funds).

1 (c) Nothing in the preceding section shall be con-  
2 strued as restricting the ability of any managed care pro-  
3 vider from offering abortion coverage or the ability of a  
4 State or locality to contract separately with such a pro-  
5 vider for such coverage with State funds (other than a  
6 State's or locality's contribution of Medicaid matching  
7 funds).

8 SEC. 510. (a) None of the funds made available in  
9 this Act may be used for—

10 (1) the creation of a human embryo or embryos  
11 for research purposes; or

12 (2) research in which a human embryo or em-  
13 bryos are destroyed, discarded, or knowingly sub-  
14 jected to risk of injury or death greater than that  
15 allowed for research on fetuses in utero under 45  
16 CFR 46.208(a)(2) and section 498(b) of the Public  
17 Health Service Act (42 U.S.C. 289g(b)).

18 (b) For purposes of this section, the term “human  
19 embryo or embryos” includes any organism, not protected  
20 as a human subject under 45 CFR 46 as of the date of  
21 the enactment of this Act, that is derived by fertilization,  
22 parthenogenesis, cloning, or any other means from one or  
23 more human gametes or human diploid cells.

24 SEC. 511. (a) None of the funds made available in  
25 this Act may be used for any activity that promotes the



1 legalization of any drug or other substance included in  
2 schedule I of the schedules of controlled substances estab-  
3 lished by section 202 of the Controlled Substances Act (21  
4 U.S.C. 812).

5 (b) The limitation in subsection (a) shall not apply  
6 when there is significant medical evidence of a therapeutic  
7 advantage to the use of such drug or other substance or  
8 that federally sponsored clinical trials are being conducted  
9 to determine therapeutic advantage. ← 511

10 ~~SEC. 512.~~ None of the funds made available in this  
11 Act may be obligated or expended to enter into or renew  
12 a contract with an entity if—

13 (1) such entity is otherwise a contractor with  
14 the United States and is subject to the requirement  
15 in section 4212(d) of title 38, United States Code,  
16 regarding submission of an annual report to the Sec-  
17 retary of Labor concerning employment of certain  
18 veterans; and

19 (2) such entity has not submitted a report as  
20 required by that section for the most recent year for  
21 which such requirement was applicable to such enti-  
22 ty. ← 512

23 SEC. 513. None of the funds made available in this  
24 Act may be used to promulgate or adopt any final stand-  
25 ard under section 1173(b) of the Social Security Act (42

1 U.S.C. 1320d-2(b)) providing for, or providing for the as-  
2 signment of, a unique health identifier for an individual  
3 (except in an individual's capacity as an employer or a  
4 health care provider), until legislation is enacted specifi-  
5 cally approving the standard.

6 SEC. 514. None of the funds made available in this  
7 Act may be transferred to any department, agency, or in-  
8 strumentality of the United States Government, except  
9 pursuant to a transfer made by, or transfer authority pro-  
10 vided in, this Act or any other appropriation Act.

11 SEC. 515. None of the funds made available by this  
12 Act to carry out the Library Services and Technology Act  
13 may be made available to any library covered by para-  
14 graph (1) of section 224(f) of such Act (20 U.S.C.  
15 9134(f)), as amended by the Children's Internet Protec-  
16 tions Act, unless such library has made the certifications  
17 required by paragraph (4) of such section.

18 SEC. 516. None of the funds made available by this  
19 Act to carry out part D of title II of the Elementary and  
20 Secondary Education Act of 1965 may be made available  
21 to any elementary or secondary school covered by para-  
22 graph (1) of section 2441(a) of such Act (20 U.S.C.  
23 6777(a)), as amended by the Children's Internet Protec-  
24 tions Act and the No Child Left Behind Act, unless the  
25 local educational agency with responsibility for such cov-

1 ered school has made the certifications required by para-  
2 graph (2) of such section.

3 SEC. 517. None of the funds appropriated in this Act  
4 may be used to enter into an arrangement under section  
5 7(b)(4) of the Railroad Retirement Act of 1974 (45 U.S.C.  
6 231f(b)(4)) with a nongovernmental financial institution  
7 to serve as disbursing agent for benefits payable under  
8 the Railroad Retirement Act of 1974.

9 SEC. 518. (a) None of the funds provided under this  
10 Act, or provided under previous appropriations Acts to the  
11 agencies funded by this Act that remain available for obli-  
12 gation or expenditure in fiscal year 2005, or provided from  
13 any accounts in the Treasury of the United States derived  
14 by the collection of fees available to the agencies funded  
15 by this Act, shall be available for obligation or expenditure  
16 through a reprogramming of funds that—

17 (1) creates new programs;

18 (2) eliminates a program, project, or activity;

19 (3) increases funds or personnel by any means  
20 for any project or activity for which funds have been  
21 denied or restricted;

22 (4) relocates an office or employees;

23 (5) reorganizes or renames offices;

24 (6) reorganizes programs or activities; or

1 (7) contracts out or privatizes any functions or  
2 activities presently performed by Federal employees.

3 None of the funds made available by this Act  
4 may be reprogrammed unless the Appropriations  
5 Committees of both Houses of Congress are notified  
6 15 days in advance of ~~announcement or intent to an-~~  
7 ~~nounce such reprogramming of funds.~~

8 (b) None of the funds provided under this Act, or  
9 provided under previous appropriations Acts to the agen-  
10 cies funded by this Act that remain available for obligation  
11 or expenditure in fiscal year 2005, or provided from any  
12 accounts in the Treasury of the United States derived by  
13 the collection of fees available to the agencies funded by  
14 this Act, shall be available for obligation or expenditure  
15 through a reprogramming of funds in excess of \$500,000  
16 or 10 percent, whichever is less, that—

17 (1) augments existing programs, projects (in-  
18 cluding construction projects), or activities;

19 (2) reduces by 10 percent funding for any exist-  
20 ing program, project, or activity, or numbers of per-  
21 sonnel by 10 percent as approved by Congress; or

22 (3) results from any general savings from a re-  
23 duction in personnel which would result in a change  
24 in existing programs, activities, or projects as ap-  
25 proved by Congress; unless the Appropriations Com-

*a reprogramming or announcement  
of intent to reprogram funds,  
whichever occurs earlier.*

1 mittees of both Houses of Congress are notified 15  
 2 days in advance of announcement or intent to an-  
 3 nounce such reprogramming of funds.

518 4 SEC. 519. The course of dealings between the United  
 5 States and the Native Hawaiian people, and the enact-  
 6 ment of Public Law 67-34 (the Hawaiian Homes Commis-  
 7 sion Act), Public Law 83-3 (the Hawaii Admissions Act),  
 8 Public Law 89-10 (the Native Hawaiian Education Act),  
 9 Public Law 100-579 (the Native Hawaiian Health Care  
 10 Improvement Act), Public Law 103-150 (the Native Ha-  
 11 waiian Apology Resolution), Public Law 104-42 (the Ha-  
 12 waiian Homelands Recovery Act), and Public Law 106-  
 13 569 (the Native American Housing Assistance and Self-  
 14 Determination Act) have established a special relationship  
 15 between the United States and the Native Hawaiian peo-

16 ple, ~~and accordingly, pursuant to the terms and conditions~~  
 17 ~~of S. 344, Senate Calendar No. 185, amendment 3576,~~  
 18 ~~upon the election of the officers of the Native Hawaiian~~  
 19 ~~governing entity and the certifications by the Secretary~~  
 20 ~~of the Interior, the United States shall extend Federal rec-~~  
 21 ~~ognition to the Native Hawaiian governing entity as the~~  
 22 ~~representative governing body of the Native Hawaiian peo-~~  
 23 ~~ple.~~

518 24 SEC. 520. Notwithstanding any other provision of law  
 25 or regulation, the United States Government's interest in

a reprogramming or announcement  
 of intent to reprogram funds,  
 whichever occurs earlier.

1 the property at 1818 W. Northern Lights Boulevard in  
2 Anchorage, Alaska, with legal description: T13N R4W  
3 Section 25, NE<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub> Portion W135 E953 N350, An-  
4 chorage Recording District shall be conveyed to  
5 Southcentral Foundation for a replacement Head Start fa-  
6 cility.

519 > 7 SEC. 521. (a) IN GENERAL.—Amounts made avail-  
8 able under this Act for the administrative and related ex-  
9 penses for departmental management for the Department  
10 of Labor, the Department of Health and Human Services,  
11 and the Department of Education shall be reduced on a  
12 pro rata basis by ~~\$32,000,000~~ <sup>18,000,000</sup>: *Provided*, That not later  
13 than 15 days after the enactment of this Act, the Director  
14 of the Office of Management and Budget shall report to  
15 the House and Senate Committees on Appropriations the  
16 accounts subject to the pro rata reductions and the  
17 amount to be reduced in each account.

18 (b) LIMITATION.—The reduction required by sub-  
19 section (a) shall not apply to the Food and Drug Adminis-  
20 tration and the Indian Health Service.

21 This Act may be cited as the “Departments of Labor,  
22 Health and Human Services, and Education, and Related  
23 Agencies Appropriations Act, 2005”. <sup>division</sup>